

T. E. French 218 1915

A. N. Macdonald 50

ELEVENTH CENSUS OF THE UNITED STATES,

ROBERT P. PORTER, Superintendent.

EXTRA CENSUS BULLETIN.

INDIANS.

THE FIVE CIVILIZED TRIBES OF INDIAN TERRITORY,

CHEROKEE NATION, CREEK NATION, SEMINOLE NATION,
CHOCTAW NATION, AND CHICKASAW NATION.

By THOMAS DONALDSON,

EXPERT SPECIAL AGENT.

WASHINGTON:

GOVERNMENT PRINTING OFFICE.

1893.

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DEPARTMENT OF THE INTERIOR,
CENSUS OFFICE,
WASHINGTON, June 6, 1893.

MY DEAR MR. DONALDSON:

I herewith hand you copy of memorandum of changes and modifications for Extra Census Bulletin on Five Civilized Tribes. Some of Mr. Blodgett's suggestions I regard as essential; others I am, as you see, willing to waive. With these changes the bulletin is hereby approved and may go to the printer.

Very truly yours,

ROBERT P. PORTER,
Superintendent of Census.

TO THOMAS DONALDSON,
Expert Special Agent in Charge of Indian Statistics.

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a Local usage gives this name as Muskogee.

LETTER OF TRANSMITTAL.

DEPARTMENT OF THE INTERIOR,
CENSUS OFFICE,
WASHINGTON, D. C., June 6, 1893.

SIR:

This bulletin of the history and present condition of the Five Civilized Tribes in Indian territory is the result of patient investigation and much research. It was prepared under the direction of Mr. Thomas Donaldson, expert special agent, and is largely the result of his personal investigation. The four special agents who served in this work in Indian territory, viz: Fletcher Meredith, with the Cherokees; William H. Ward, with the Creeks and Seminoles; J. W. Lane, with the Choctaws, and John Donaldson, with the Chickasaws, rendered efficient and faithful service. The census of the Five Civilized Tribes was taken under great difficulties. It is believed that the information and data contained in this bulletin will be of value in the settlement of questions yet to be adjusted between the United States and the Five Civilized Tribes, viz: the Cherokees, Creeks, Seminoles, Choctaws, and Chickasaws.

This bulletin has been prepared under the authority of a clause in the Act of March 1, 1889, to provide for taking the Eleventh and subsequent censuses, viz: "The Superintendent of Census may employ special agents or other means to make an enumeration of all Indians living within the jurisdiction of the United States, with such information as to their condition as may be obtainable, classifying them as to Indians taxed and Indians not taxed."

Very respectfully,

ROBERT P. PORTER,
Superintendent of Census.

The SECRETARY OF THE INTERIOR.

STATISTICS OF INDIANS.

BY THOMAS DONALDSON.

THE FIVE CIVILIZED TRIBES OF INDIAN TERRITORY.

INDIANS NOT TAXED AND NOT UNDER CONTROL OF THE INDIAN OFFICE, BUT CARRIED ON ITS ROLLS.

The Five Civilized Tribes of Indian territory are the Cherokees, Creeks, Seminoles, Choctaws, and Chickasaws.

The five tribes are entirely self-supporting, four of them living on patented lands, with a large surplus each year, from an almost primitive system of agriculture, and from aid from the national government. They have large herds of cattle, horses, and some sheep. They have several large towns and villages. No liquor is allowed or sold in the territory or nations. There is a United States court, but its jurisdiction is limited. Capital offenses and felonies are tried either in the United States district court at Paris, Texas, or at Fort Smith, Arkansas. Offenses at Quapaw agency, Indian territory, are tried in the United States court in the southern district of Kansas.

There is an Indian agent at Muscogee, over what is known as "Union agency," which comprises the Five Civilized Tribes. His duties are heavy and his pay is nominal. His relations to the several tribes are regulated by the different treaties, and by orders from the Secretary of the Interior.

The citizens of the five tribes are usually well housed in brick, frame, or log houses. Their horses, cattle, sheep, and swine, as well as tools and agricultural implements, are about the same as those of the average white people of Arkansas and Missouri. The areas of land are largely used for grazing, and large hay crops are cut along river and creek bottoms. Enormous areas of the best lands are used by individuals for grazing and for other purposes by merely running a plow furrow through or around the tract or using the same. One tract so used contains more than 50,000 acres. The number of church communicants in the Five Civilized Tribes is usually given as about one-half of the entire population. As a singular fact none of them are Catholics, or there are so few, if any, that they are not noted. Baptists, Methodists, and Presbyterians predominate; still there are some pagan Indians remaining.

INDIAN TERRITORY, JUNE 1, 1890.

The Quapaw agency, in the northeast corner of Indian territory and also adjoining the northeast corner of the Cherokee nation, is under charge of a United States Indian agent. It is accounted for under reservations in the Report on Indians, Eleventh Census.

The land holdings of the Five Civilized Tribes and the lands of the Quapaw agency form the present Indian territory. All of the remainder of the lands of the original Indian territory, as constituted under the act of June 30, 1834, and subsequent laws, are now in the state of Kansas or Oklahoma territory.

Indian territory has no territorial organization under the laws of the United States.

The social, moral, and vital conditions of Indian territory are the least known of those in any portion of the United States. The laws and conditions governing the Five Civilized Tribes are peculiar and the people are reluctant to furnish information regarding them. Surrounded by states whose intelligence and cultivation are notable, Indian territory is almost an unknown land.

These Five Civilized Tribes or so-called nations are an anomaly. They are nations within a nation. There are now two white men or negroes to each Indian in the Indian territory. These can obtain no land by purchase. They are mere campers, intruders, or licensed locators for a limited term, and their number increases each year.

The spirit of change can be seen on all sides and the day is not far distant when the Five Tribes will be absorbed into citizenship of the United States, and Indian territory into a state. The method of this change is now the question.

INDIAN TERRITORY.

OFFICIAL DIRECTORY UNION AND QUAPAW AGENCIES, AND FIVE TRIBES, JUNE 1, 1890.

Leo E. Bennett, United States Indian agent, Union agency, Five Tribes, Muscogee. R. D. Martin, clerk, Muscogee. T. J. Moore, United States Indian agent, Quapaw agency.

Cherokee nation.—Capital, Tahlequah. Joel B. Mayes, principal chief, Tahlequah. Samuel Smith, second chief, Tahlequah. Robert Ross, treasurer, Tahlequah.

Creek nation.—Capital, Okmulgee. L. C. Perryman, principal chief, Tulsa. Hotulka Emarthla, second chief, Wetumpka. N. B. Moore, treasurer, Muscogee. W. A. Palmer, auditor, Eufaula.

Choctaw nation.—Capital, Tushkahoma. B. F. Smallwood, chief, Atoka. Allinton Telle, national secretary, Atoka. N. B. Ainsworth, national auditor, McAlester. Wilson Jones, treasurer, Caddo.

Chickasaw nation.—Capital, Tishomingo. William M. Guy, principal chief, Mill Creek. Alexander Kennie, treasurer, Mill Creek. J. W. Harris, auditor, Mill Creek.

Seminole nation.—Capital, Wewoka. John F. Brown, principal chief, Sasakwa. Hulputter, second chief, Wewoka. Jackson Brown, treasurer, Wewoka. T. S. McGeisy, superintendent schools, Wewoka.

Judge United States court, J. W. Shackelford, Muscogee. United States marshal, T. B. Needles, Muscogee. United States district attorney, L. F. Waldron, Muscogee.

AREA OF INDIAN TERRITORY, ELEVENTH CENSUS, JUNE 1, 1890.

The area of Indian territory was greatly reduced by the act of May 2, 1890, organizing the territory of Oklahoma. Indian territory now consists of the lands of the Five Civilized Tribes or nations, viz, the Cherokees, Creeks, Seminoles, Choctaws, and Chickasaws, and the area embraced in the reservations of the Quapaw agency in the northwest corner of the Cherokee nation.

The total area of Indian territory is 31,246.91 square miles, or 19,998,039 acres, made up as follows:

The areas of the land holdings of the Five Civilized Tribes in Indian territory are as follows:

NATIONS.	Acres.	Square miles.	Treaties.
Total	19,785,781	7,861.50	
Cherokee	5,031,351	7,861.50	Treaties of February 14, 1833, 7 U. S. Stats., p. 414; of December 29, 1835, 7 U. S. Stats., p. 478, and of July 19, 1866, 14 U. S. Stats., p. 799.
Chickasaw	4,650,935	7,267.00	Treaty of June 22, 1855, 11 U. S. Stats., p. 611.
Choctaw (Chahta)	6,688,000	10,450.00	Treaty of June 22, 1855, 11 U. S. Stats., p. 611.
Creek	3,040,495	4,750.75	Treaties of February 14, 1833, 7 U. S. Stats., p. 417, and of June 14, 1866, 14 U. S. Stats., p. 785, and deficiency appropriation act of August 5, 1882, 22 U. S. Stats., p. 265.
Seminole	375,000	586.00	Treaty of March 21, 1866, 14 U. S. Stats., p. 755. (See Creek agreement, February 14, 1881, and deficiency act of August 5, 1882, 22 U. S. Stats., p. 265.)

a Approximate.

QUAPAW AGENCY.

The area of the reservations of Quapaw agency is 263.76 square miles, or 168,808 acres. The area of the allotted portion of the Peoria reservation is 43,450 acres, including a total area of Quapaw agency of 212,258 acres, or 331.66 square miles. The reservations therein and the laws creating or affecting the same are as follows:

Eastern Shawnee: 13,048 acres, or 21 square miles; treaties of July 20, 1831, 7 United States Statutes, page 351; of December 29, 1832, 7 United States Statutes, page 411; of February 23, 1867, 15 United States Statutes, page 513, and agreement with Modocs, made June 23, 1874 (see annual report, 1882, page 271), confirmed by Congress in Indian appropriation act approved March 3, 1875, 18 United States Statutes, page 447.

Peoria (Kaskaskia, Miami, Peoria, Piankasha, and Wea): 6,851 acres, or 10.75 square miles; treaty of February 23, 1867, 15 United States Statutes, page 513; the residue of 43,450 acres allotted.

Modoc: 4,000 acres, or 6.25 square miles; agreement with Eastern Shawnees made June 23, 1874 (see annual report, 1882, page 271), and confirmed in Indian appropriation act approved March 3, 1875, 18 United States Statutes, page 447.

Ottawa (of Blanchard's Fork and Roche de Bouf): 14,860 acres, or 23.25 square miles; treaty of February 23, 1867, 15 United States Statutes, page 513.

Quapaw: 56,685 acres, or 88.50 square miles; treaties of May 13, 1833, 7 United States Statutes, page 424, and of February 23, 1867, 15 United States Statutes, page 513.

Seneca and Cayuga: 51,958 acres, or 81 square miles; treaties of February 28, 1831, 7 United States Statutes, page 348; of December 29, 1832, 7 United States Statutes, page 411, and February 23, 1867, 15 United States Statutes, page 513.

Wyandotte: 21,406 acres, or 33.50 square miles; treaty of February 23, 1867, 15 United States Statutes, page 513.

Reservations all surveyed.

SETTLEMENT OF INDIAN TERRITORY.

The Indian territory was virtually settled by Creek Indians first at Old agency (*a*) in 1827. It was set aside for the use of certain Indians in 1829, and formed from a portion of the territory embraced in the Louisiana purchase of 1803. The area so utilized now embraced in Indian territory and the present state of Kansas was of the public lands which President Thomas Jefferson suggested should be used "to give establishments to the Indians of the eastern side of the Mississippi, in exchange for their present country." From 1803 to 1824 there was incessant war or conflict between the Indians of the south Atlantic states and the whites. The vast areas of arable land in that region held by the Indians for centuries teemed with a white population, energetic and progressive, which was constantly forcing the Indians to the wall. In addition, many legal questions were rising from this Indian occupancy, the chief of which were between the states and the national government. In 1824 President Monroe made a recommendation to Congress that these tribes should be removed west of the Mississippi. President Jackson ordered their removal. Specific areas of land west of the Mississippi were allotted to many tribes. The United States guaranteed these removed tribes to "forever secure to them or their heirs the country so exchanged with them." These new tracts of land were in exchange for lands held by the Indians east of the Mississippi. The nation paid the Indians, in some cases, large sums of money for areas sold and in excess of the western lands, and thus some of the present trust funds of tribes in Indian territory originated. Most of the Indians removed to Kansas have long since left that state, and they can be found either in Indian territory or Oklahoma. The removal of most of these tribes was forced by the demands of emigration. The Cherokees, Creeks, Choctaws, and Chickasaws, tribes or nations, have occupied about the same areas that they now occupy in Indian territory since their first settlement west of the Mississippi. The Seminoles have removed once.

DESCRIPTION.

The present Indian territory lies between latitude 33°35' to 37° north, and longitude 94°20' to 98° west. The temperature varies from 12° to 99°. The mean temperature is 58°. Indian territory embraces a region larger than the state of South Carolina. There is a great diversity of soil, but the major portion is an alluvial of great fertility. There are fertile and well-watered rolling prairies with much timber and numerous rich river bottoms. About all of the best lands in the Indian territory as created by the act of June 30, 1834, are now in the Five Civilized Tribes and Quapaw agency, as embraced in the area called Indian territory by the Oklahoma act of May 2, 1890. The oak forests known as the cross timbers, some 30 or more miles in width, run from Texas through Indian territory to Kansas, with magnificent groves of enormous trees. The water supply is unsurpassed. It includes the North and South Canadian, Cimarron, Little Arkansas, Neosho or Grand, and the Verdigris, tributaries of the Arkansas river, in the north and central portions, while the Red river and its tributaries water the southern portions. The Arkansas is navigable to Fort Gibson, Cherokee nation, on the Grand just above its junction with the Arkansas, while steamboats are in daily use on the Red river along the entire southern boundary. In climate, resources, and possibilities, Indian territory is one of the most favored portions of the United States. The climate is similar to that of northern Georgia and its products are about the same. Extremes of heat and cold are not found. The winters are mild, and in summer, while the days are hot, the nights are cool.

INDIAN TERRITORY AS A HOME FOR ALL OF THE INDIANS WEST OF THE MISSISSIPPI.

It was contemplated, up to 1878, to make Indian territory the home of all the wild Indians west of the Mississippi river and to the Sierra Nevada or Coast Range of mountains. Prior to May 2, 1890, it contained 44,154,240 acres, or 68,991 square miles.

In 1878 President R. B. Hayes refused to send any more wild Indians to Indian territory. He found that the arable lands were in the possession of the Five Tribes, Osages, Sac and Fox or Pottawatomies, and the few adjacent tribes, and that the remaining great area, on a portion of which the Arapaho and Cheyennes have recently been allotted, and which the Kiowas, Comanches, and Wichitas now occupy in part, was chiefly arid land, and unfit for agriculture without a costly scheme of irrigation.

STATE GOVERNMENT PROPOSED IN INDIAN TERRITORY, 1869.

Under treaty stipulations made in 1866 a general council of Indian territory of delegates legally elected from the tribes resident therein was to meet at Okmulgee, Creek nation, in May of each year. The first session was held in 1869. It continued for several years, but came to nothing and is now in disuse. In December, 1870, delegates to one of these councils made a constitution for Indian territory which was submitted to the various tribes, but it was not adopted. All of this was with an eye to the formation of a state government in Indian territory, and in pursuance of the twelve articles of the treaty of 1866 between the United States and the Five Tribes. Tribal jealousies killed this movement. In addition the land question of the Five Tribes was different from that of the wild or reservation tribes.

a Old agency was 3 miles west of the present town of Muscogee.

CENSUS OF INDIAN TERRITORY, 1890.

Indian territory was not embraced in the plan of the census as a part of the constitutional population. It was intended to take the census of the Indians therein, but the white population was not considered. Just prior to arranging the plan of this census it was found that Indian territory contained twice as many whites and colored people as Indians. These had to be enumerated as well as the Indians. It was found impossible to enumerate the Five Civilized Tribes in Indian territory as tribes. At once upon the announcement of intention to take the census, a fierce contest began for the positions of enumerators and the supervisorship. The number of unoccupied statesmen who applied for positions was great. Finally it was decided to have special agents supervise the work.

The enumerators of the Five Civilized Tribes in the Indian territory were mostly Indians, appointed on the recommendation of the governors or principal chiefs, but some changes were made, and almost all were changed in one of the tribes, for reason. Four special agents were sent to the Indian territory to supervise the work by an agreement with the governors or their representatives. The wisdom of this policy was apparent when the peculiar nature of Indian political conditions became known.

Much opposition was shown to the census. The Creek and Seminole authorities aided it, however, by legislative action. They urged the residents to give information to the enumerators. Meetings were, however, held to resist them. Under the circumstances it was decided to ask as few questions as possible, and to get, as a rule, the general statistics of population. Other statistics were found difficult to obtain. The four special agents in charge visited the nations, and their reports give their observations in detail. The unsettled condition of Indian territory and the constant clashing between the whites called intruders, and the Indians or authorities, produced a prejudice against the census which was hard to overcome.

The citizens of the five tribes watch with a jealous eye each movement of the United States, or its authorities, as questions of vast moment are pending. This made them chary of answering questions proposed by the enumerators or special agents.

A serious difficulty was met in the answer to "Are you an Indian?" Under the laws of the five tribes or nations of Indian territory a person, white in color and features, is frequently an Indian, being so by remote degree of blood or adoption. There are many whites now resident who claim to be Indians whose claims have not as yet been acted upon by the nations. Negroes are frequently met who speak nothing but Indian languages, and are Indians by tribal law and custom, and others are met who call themselves Indians, who have not yet been so acknowledged by the tribes. These circumstances necessarily produced some confusion as to the number of Indians separately designated. The total population as given is correct, however.

The difficulties surrounding the taking of this census were augmented by the fact that in enrolling the Indians it frequently occurred that it was necessary to employ two and sometimes three interpreters to accompany the enumerator to converse with Indians in the same locality. The residents of the Five Civilized Tribes, citizen or otherwise, pay no taxes on real or personal property, and there are no assessments for this purpose.

CENSUSES OF THE FIVE TRIBES.

The five tribes each take a census very often; some every 5 years, some oftener. Much may hereafter depend on such a census. The peculiar method of government in the nations whereby the authorities at the several capitals are kept advised by the light horse (police) or town, county, or district authorities of changes in population, enables them to keep fairly authentic lists of the people. This is done chiefly with an eye to resisting the claims of persons desiring to be known as citizens of the tribes and participants in land divisions and the money expected to be divided between these Indians on account of sales of surplus lands. Such records, as matters of proof, will be invaluable in the future, as they will fix the date of settlement of many claimants. The citizens of the five tribes are interested in all such census work, because the fewer citizens found, the more money for each on a division. They readily give information to such census takers, but many of them refused it to the United States enumerators.

SPECIAL AGENTS, ENUMERATORS, COUNTIES, AND DISTRICTS.

Indian territory contains the Quapaw agency and the Cherokee, Creek, Seminole, Choctaw, and Chickasaw nations or tribes.

The enumeration of Quapaw agency was made by Indian Agent Enumerator T. J. Moore, and afterwards confirmed by Special Agent Wiley Anderson.

The four special agents charged with supervising the census of the Five Civilized Tribes and reporting thereon and the enumerators were as follows:

CHEROKEES.

FLETCHER MEREDITH, special agent in charge at Tahlequah.

The enumerators (28), mostly Indians, were:

Yost, James D.	Parker, J. B.	McClellan, W. B.	Couch, Frank
Goss, B. F.	Harris, James S.	Beck, Ezekiel	Wilson, George W.
Bell, Watie	Carlisle, John	Proctor, Ezekiel	Walker, Richard M.
Lowery, John	Potts, Thomas	McCoy, Arch.	Sanders, Thomas
Adair, O. F.	Tiblow, Sam.	Jonicho, Robert	Dannenberg, Henry
Wilson, James D.	Crutchfield, Thomas	Clark, S. D.	Howie, Thomas
Tineup, James	Henry, Thomas	Horsefly, James	Fields, Richard

CREEKS AND SEMINOLES.

WILLIAM H. WARD, special agent in charge at Eufaula.

Enumerators (24), mostly Indians:

Adams, Thomas J.	Dubois, Barent R.	Hawkins, Samuel	Palmer, W. A.
Alexander, George A.	Garrett, William C.	Harvison, John A.	Robinson, William
Alexander, Louis	Garrett, Charles W.	Harvison, William	Robinson, William B.
Anderson, William	Gregory, Noah G.	Hayne, Samuel J.	Stidham, G. W.
Bemo, Alson	Gregory, James R.	McIntosh, Bunnie	Still, William H.
Callahan, Benton	Hardridge, Eli E.	McIntosh, Alick	Tiger, G. W.

SEMINOLE NATION.

Enumerators (3), Indians:

Johnson, James Cody	Martin, Henry A.	McGiesey, Thomas
---------------------	------------------	------------------

CHOCTAW NATION.

J. W. LANE, special agent in charge, Atoka, Indian territory.

Enumerators (18), mostly Indians:

Battiest, Lewis G.	Gardner, Jefferson	Lane, Stephen W.	Wilson, John D.
Coleman, Richard B.	Hampton, Julius C.	Moore, Frank	Wooley, William L.
Culbertson, James	Harris, James L.	Pearson, Robert T.	Wright, James T.
Dunlap, George B.	Homer, Davis A.	Pond, William T.	
Folsom, Don J.	Hudson, Peter J.	Stanley, John M.	

CHICKASAW NATION.

JOHN DONALDSON, special agent in charge, Ardmore, Indian territory.

Enumerators (18), several Indians:

Bourland, W. H.	Colbert, Charley	McKelvy, W. E.	Stewart, Charles F.
Bristow, J. E.	Frazier, N. G.	McKelvy, W. E.	Thompson, Thomas B.
Burney, A. S.	Hollingshead, Bruce	Murray, R. L.	Waite, F. T.
Burney, E. S.	Kean, C. G.	Phillips, John I.	Walker, Theodore D.
Colbert, E. F.	Kingsbery, W. M.	Sharp, J. B.	

DISTRICTS AND COUNTIES.

CHEROKEE NATION.

The nine Cherokee districts were followed for census purposes.

Saline district,	Cooweeskoowee district, (a)	Going Snake district,	Sequoyah district,
Flint district,	Tahlequah district,	Illinois district,	Canadian district.
Delaware district,			

CREEK NATION.

The six Creek districts were followed for census purposes.

Eufaula district,	Okmulgee district,	Coweta district,
Wewoka district,	Deep Fork district,	Muskogee district.

SEMINOLE NATION.

No counties or districts; divided into two districts for census purposes, viz: Wewoka district and Sasakwa district.

COUNTIES, CHOCTAW NATION.

For census purposes in the Choctaw nation the three judicial districts were followed.

First judicial district: Tobucksy county, Gaines county, Sans Bois county, Skullyville county, Sugar Loaf county.

Second judicial district: Wade county, Nashoba county, Eagle county, Cedar county, Red River county, Boktoklo county, Towson county.

Third judicial district: Atoka county, Blue county, Jack's Fork county, Jackson county, Kiamichi county.

a Frequently given Cooweescoowee.

STATISTICS OF INDIANS.

COUNTIES, CHICKASAW NATION.

FOUR COUNTIES.—Pontotoc, divided into three districts for census purposes; Tishomingo, divided into two districts for census purposes; Panola, divided into two districts for census purposes; Pickens, divided in eight districts for census purposes.

POPULATION OF INDIAN TERRITORY, ELEVENTH CENSUS: 1890.

The population of the territory was found to be:

Five Civilized Tribes.....	178,097
Quapaw agency, Indians and whites.....	1,281
Whites and colored on military reservations.....	804
Total.....	180,182

THE FIVE CIVILIZED TRIBES.

The total population of the Five Civilized Tribes is 178,097, as follows: Five-tribe Indians living in their tribes, 45,494; other Indians, including Five-tribe Indians living out of their tribes, 4,561; total Indians, 50,055; colored Indian citizens and colored and freedmen, 18,636; Chinese, 13; whites, including some claimants of Five Tribes Indian citizenship, 109,393.

The Five Civilized Tribes Indian, colored, other Indian and Chinese, and white population, together with sex, of the Five Civilized Tribes, by nations, is given in the following table:

NATION.	Total population.	Sex.		Five-tribe Indians living in their tribes.	Colored, including claimants.	Other Indians, including Five Tribe out of their tribes.	Whites, including claimants.	Chinese.
		Male.	Female.					
Total.....	178,097	95,373	82,724	45,494	18,636	4,561	109,393	13
Cherokee.....	56,309	29,781	26,528	20,624	5,127	1,391	29,166	1
Chickasaw.....	57,329	30,916	26,418	3,941	3,676	1,282	48,421	9
Choctaw.....	43,808	23,615	20,193	10,017	4,406	1,040	28,345	.....
Creek (α).....	17,912	9,586	8,326	9,291	4,621	708	3,289	3
Seminole.....	2,739	1,475	1,264	1,621	806	140	172	.....

α Sex of population of Creek Nation estimated on basis of sex in the remainder of the tribes or nations.

PER CENT OF INDIANS AND OTHER POPULATION, FIVE CIVILIZED TRIBES: 1890. FIVE-TRIBE INDIANS NOT GIVEN SEPARATELY.*

TRIBES OR NATIONS.	Total, all races.		Indians.		Other races.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Total in Five Tribes or nations.....	178,097	100.00	50,055	28.11	128,042	71.89
Cherokee.....	56,309	100.00	22,015	39.10	34,294	60.90
Chickasaw.....	57,329	100.00	5,223	9.11	52,106	90.89
Choctaw.....	43,808	100.00	11,057	25.24	32,751	74.76
Creek.....	17,912	100.00	9,999	55.82	7,913	44.18
Seminole.....	2,739	100.00	1,761	64.29	978	35.71

* Inserted as a correction.

The male Indians are 26,370; females, 23,685, partially estimated.

POPULATION OF CHEROKEE NATION, INDIAN TERRITORY.

DISTRICTS.	Heads of families.		Under 5.		6 to 17.		18 and over.		Total.		Aggregate.
	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	
Total.....	10,308	1,041	5,517	5,287	9,103	8,769	15,161	12,472	29,781	26,528	56,309
Canadian.....	1,065	99	574	562	924	940	1,518	1,196	3,016	2,698	5,714
Cooweeskowiee.....	3,368	237	1,613	1,604	2,709	2,680	5,347	3,990	9,669	8,274	17,943
Delaware.....	1,630	110	860	859	1,455	1,326	2,427	1,932	4,742	4,117	8,859
Flint.....	403	56	272	268	451	402	562	576	1,285	1,246	2,531
Going Snake.....	630	71	410	368	667	612	916	887	1,993	1,867	3,860
Saline.....	366	39	207	167	323	300	524	462	1,054	929	1,983
Illinois.....	1,036	162	511	461	815	789	1,343	1,121	2,669	2,371	5,040
Sequoyah.....	928	93	544	467	866	796	1,235	1,063	2,645	2,326	4,971
Tahlequah.....	882	174	526	531	893	924	1,289	1,245	2,708	2,700	5,408

NOTE.—Colored, as used herein, in statistics, tables, or in text relating to population, includes negroes, freedmen, and persons of black or negro descent, wholly or in part, or of white descent with negro blood. The terms colored and freedmen are generally used in Indian territory for all persons who are not Indians, whites, or Chinese.

POPULATION OF CHEROKEE NATION BY COLOR.

Total, 56,309. White, 29,166; black, 4,658; Cherokee, 11,531; Wyandotte, 3; Shawnee, 165; Choctaw, 9; Chickasaw, 2; Creek, 94; Delaware, 178; Osage, 2; Chinese, 1; Canadian, 1; Mexican Indian, 2; Black Cherokee, 1; Black Choctaw, 1; Mulatto, 421; Octoroon, 14; Quadroon, 32; Cherokee and Choctaw, 4; Delaware and Seminole, 166; Cherokee-White, 105. White members of Indian families, 584; black members of Indian families, 1; white, Indian by marriage, 302. Cherokees: $\frac{9}{10}$, 1; $\frac{7}{8}$, 30; $\frac{4}{5}$, 1; $\frac{3}{4}$, 461; $\frac{5}{8}$, 39; $\frac{1}{2}$, 2; $\frac{1}{4}$, 1; $\frac{3}{8}$, 4; $\frac{2}{5}$, 1; $\frac{1}{2}$, 1,405; $\frac{7}{16}$, 3; $\frac{3}{8}$, 115; $\frac{1}{32}$, 1; $\frac{1}{4}$, 1,602; $\frac{3}{16}$, 32; $\frac{5}{32}$, 2; $\frac{5}{24}$, 4; $\frac{1}{8}$, 1,794; $\frac{3}{32}$, 6; $\frac{1}{16}$, 31; $\frac{1}{3}$, 24; $\frac{1}{6}$, 67; $\frac{1}{5}$, 3; $\frac{1}{11}$, 5; $\frac{1}{12}$, 16; $\frac{1}{16}$, 1,496; $\frac{1}{18}$, 3; $\frac{1}{22}$, 5; $\frac{1}{25}$, 3; $\frac{1}{26}$, 1; $\frac{1}{32}$, 828; $\frac{1}{50}$, 2; $\frac{1}{34}$, 70; Cherokees, $\frac{1}{8}$ Choctaw, 5; $\frac{1}{8}$ Choctaw, 2; $\frac{1}{4}$ Choctaw, 2; $\frac{1}{6}$ Choctaw, 3; $\frac{1}{16}$ Choctaw, 1. Shawnees: $\frac{3}{4}$, 30; $\frac{7}{8}$, 1; $\frac{5}{8}$, 10; $\frac{3}{8}$, 7; $\frac{1}{8}$, 1; $\frac{1}{2}$, 106; $\frac{1}{4}$, 104; $\frac{1}{8}$, 63; $\frac{1}{6}$, 1; $\frac{1}{16}$, 19; $\frac{1}{32}$, 6. Delawares: $\frac{3}{4}$, 44; $\frac{7}{8}$, 1; $\frac{1}{2}$, 112; $\frac{3}{8}$, 14; $\frac{1}{8}$, 64; $\frac{3}{16}$, 3; $\frac{1}{4}$, 102; $\frac{1}{7}$, 2; $\frac{1}{16}$, 16; $\frac{1}{32}$, 1. Choctaws: $\frac{1}{2}$, 5; $\frac{1}{4}$, 4; $\frac{1}{8}$, 2. Wyandottes: $\frac{3}{4}$, 1; $\frac{3}{8}$, 3; $\frac{1}{8}$, 2. Creeks: $\frac{1}{2}$, 1; $\frac{3}{4}$, 5. Chickasaws: $\frac{1}{8}$, 1; $\frac{1}{16}$, 1. One-half Cherokee and $\frac{1}{2}$ Creek, 41; $\frac{1}{4}$ Cherokee and $\frac{3}{4}$ Creek, 4; $\frac{3}{16}$ Cherokee and $\frac{1}{4}$ Creek, 1; $\frac{1}{8}$ Cherokee and $\frac{1}{8}$ Creek, 1. Delaware, $\frac{1}{2}$ Mexican, 1. Cherokee, $\frac{5}{8}$ Delaware, 1; $\frac{1}{2}$ Delaware and $\frac{1}{2}$ Cherokee, 2; $\frac{1}{2}$ Delaware and $\frac{1}{2}$ white, 3; $\frac{1}{2}$ Delaware and $\frac{1}{2}$ Shawnee, 3; $\frac{1}{8}$ Delaware and $\frac{1}{8}$ Cherokee, 5. Cherokee, $\frac{3}{4}$ Mulatto, 6; Cherokee, $\frac{1}{2}$ Mulatto, 2; Cherokee, $\frac{1}{16}$ Octoroon, 1, Three-fourths Osage, 1; $\frac{3}{8}$ Osage, 7. Mother Delaware and father $\frac{1}{2}$ Shawnee, 3. Mother $\frac{1}{4}$ Shawnee and father $\frac{1}{4}$ Cherokee, 1.

The Cherokee national census of 1890, showed the total number of citizens of the Cherokee nation, under Cherokee laws, to be 25,978. This embraced many colors.

Canadian district.....	2,302
Cooweeskoowee district.....	5,621
Delaware district.....	3,893
Flint district.....	1,881
Going Snake district.....	2,675
Saline district.....	1,514
Illinois district.....	2,686
Sequoyah district.....	1,440
Talequah district.....	3,966

The Cherokee national census of 1880 showed a citizen population of 20,336, a gain of 5,642 in the 10 years from 1880 to 1890 on the basis of Cherokee censuses.

POPULATION OF CREEK NATION, INDIAN TERRITORY.

DISTRICTS.	Creeks.	Cherokees.	Seminoles.	Choctaws.	Chickasaws.	Stockbridge.	Sioux.	Canadian Indians.	Shawnees.	Pottawatomies.	Whites.	Colored.	Chinese.	Aggregate.
Total	9,291	462	172	31	9	1	1	1	3	28	3,289	4,621	3	17,912
Cowetah	832	80	21	6	2						359	1,920		3,220
Muskogee	2,548	354	18	16	4				2	28	1,336	619	3	4,928
Deep Fork	1,438	2	43								134	206		1,823
Okmulgee.....	1,335	7	13			1	1	1	1		299	533		2,191
We-wo-ka.....	1,323	4	73	3							113	375		1,831
Enfaula.....	1,815	15	4	6	3						1,043	968		3,815

Whites, 3,289; Creek Indians enrolled as such, 9,291; enrolled as colored, 4,621, many of whom are colored Creeks and claimants; and 708 Indians other than Creeks, given in detail above; 3 Chinamen, and 9 persons marked unknown but counted as whites.

The 708 Indians, other than Creeks, are 462 Cherokees, 172 Seminoles, 31 Choctaws, 9 Chickasaws, 1 Stockbridge, 1 Sioux, 1 Canadian Indian, 3 Shawnees, and 28 Pottawatomies. It is probable that in Cowetah district the Euchees or Uchees may have been enrolled among the colored. Some enrolled as white may have been quarter and eighth bloods. The Creek national census of 1890 gave 14,800 Creeks. This included the colored Creeks, but not the other Indians, colored claimants, or whites. The census enumerators for the Creeks were almost all Creeks or colored, and probably attempted to define citizenship as they knew it by Creek law. On the abstracts they gave the Indians other than Creeks as colored.

NOTE.—Inserted as a correction: Many members of the Five Civilized Tribes live in tribes other than their own. Others are intermarried. These reasons make it difficult to arrive at the membership of the several tribes. The tables of population will show the scattered residence of these Indians.

STATISTICS OF INDIANS.

POPULATION OF SEMINOLE NATION, INDIAN TERRITORY.

INDIANS.				Whites.	Colored.	Aggre- gate.
Seminole.	Creeks.	Cherokees.	Shawnees.			
1,621	133	5	2	172	806	2,739

	Males.	Females.	Total.
Total	1,475	1,264	2,739
Indians	903	858	1,761
White	108	64	172
Colored	464	342	806

The colored contains the colored Seminoles. The Seminoles intermarry with colored people. It is probable that the 806 colored are almost all classed as Seminoles. The 1,621 Seminoles are those of full, three-quarter, or half blood. The three enumerators for the Seminoles were Seminoles and carried this distinction throughout their work.

POPULATION OF CHOCTAW NATION, INDIAN TERRITORY.

COUNTIES.	Heads of families.		Under 5.		6 to 17.		18 and over.		Total.		Aggre- gate.
	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	
Total	8,443	666	4,130	4,180	6,925	6,550	12,560	9,463	23,615	20,193	43,808
First district	4,314	304	2,232	2,293	3,647	3,428	6,829	4,759	12,708	10,480	23,188
Gaines county	464	28	223	225	327	319	885	525	1,435	1,069	2,504
San Bois county	1,141	38	831	730	1,054	896	1,601	1,163	3,286	2,789	6,075
Skullyville county	691	46	391	405	701	663	967	821	2,059	1,889	3,948
Sugar Loaf county	499	31	289	223	435	437	641	562	1,365	1,222	2,587
Tobnucksy county	1,519	161	698	710	1,130	1,113	2,735	1,688	4,563	3,511	8,074
Second district	1,493	168	698	716	1,161	1,130	1,852	1,720	3,711	3,566	7,277
Apuckshamby county	246	27	101	104	207	223	313	313	621	645	1,266
Boktoklo county	79	16	30	35	59	57	102	99	191	191	382
Eagle county	213	21	135	133	184	197	200	246	579	576	1,155
Red River county	379	36	201	173	319	259	494	468	1,014	900	1,914
Wade county	249	9	88	103	148	163	293	217	529	483	1,012
Wolf county	16	—	11	11	16	10	18	14	45	35	80
Wade and Wolf county	311	59	132	157	228	216	372	363	732	736	1,468
Third district	2,636	194	1,200	1,171	2,117	1,992	3,879	2,984	7,196	6,147	13,343
Atoka county	1,022	76	438	463	734	712	1,648	1,134	2,820	2,309	5,129
Blue county	821	44	388	373	741	639	1,117	937	2,246	1,949	4,195
Jackson county	194	13	100	79	196	190	261	246	557	515	1,072
Kiamichi county	323	44	136	142	238	271	443	356	817	769	1,586
Jacks Forks county	269	17	137	113	206	177	402	304	745	594	1,339
Jacks Forks county (supplemental)	7	—	1	1	2	3	8	7	11	11	23

POPULATION OF CHOCTAW NATION BY COLOR.

Total, 43,808. Choctaw, 10,017; white, 28,345; black, 4,357; quadroon, 4; octoroon, 13; mulatto, 32; Indian Negro, 214; Indian mulatto, 15; Cherokee, 87; Creek, 36; Chickasaw, 120; Mohawk, 4; Muscogee, 2; Catawba, 2; Chippewa, 5. Choctaws, $\frac{1}{2}$, 163; $\frac{1}{4}$, 7; white, $\frac{3}{4}$ Choctaw, 1; white, $\frac{1}{2}$ Choctaw, 4; white, $\frac{1}{4}$ Choctaw, 5; white, $\frac{1}{8}$ Choctaw, 2; white, $\frac{1}{16}$ Choctaw, 12; white Choctaw, 122; white, married to Indian, 8; black, married to Indian, 5; quadroon, married to $\frac{1}{2}$ Indian, 1; black Choctaw, 207; Cherokee octoroon, 1; Choctaw quadroon, 2; Choctaw $\frac{1}{4}$ Indian, 8; Choctaw $\frac{3}{4}$ Indian, 4; Choctaw $\frac{1}{8}$ Indian, 2; $\frac{1}{16}$ Cherokee, 1.

POPULATION OF CHICKASAW NATION.

COUNTIES.	Heads of families.		Under 5.		6 to 17.		18 and over.		Total.		Aggregate.
	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	
Total	10,064	459	5,955	5,774	9,445	8,907	15,516	11,732	30,918	26,413	57,329
Pickens county	6,980	282	4,269	4,075	6,731	6,200	10,836	8,188	21,836	18,463	40,299
First district	536	36	302	290	481	490	919	639	1,702	1,419	3,121
Second district	853	37	553	519	855	846	1,317	1,022	2,725	2,387	5,112
Third district	1,296	50	821	832	1,388	1,119	2,034	1,547	4,243	3,498	7,741
Fourth district	559	31	335	334	497	430	790	639	1,622	1,403	3,025
Fifth district	686	28	415	415	660	644	1,125	827	2,200	1,886	4,086
Sixth district	827	21	533	497	799	789	1,209	956	2,541	2,242	4,783
Seventh district	768	23	475	393	684	605	1,073	841	2,232	1,839	4,071
Eighth district	1,455	56	835	795	1,367	1,277	2,369	1,717	4,571	3,789	8,360
Panola county	509	32	312	263	407	439	747	596	1,526	1,353	2,879
First district	262	16	156	150	240	242	395	312	791	704	1,495
Second district	247	16	156	118	227	247	352	284	735	640	1,384
Pontotoc county	1,079	105	896	893	1,434	1,459	2,537	1,916	4,867	4,268	9,135
First district	300	15	157	167	265	288	511	326	933	781	1,714
Second district	693	33	344	349	520	492	1,048	755	1,912	1,596	3,508
Third district	686	57	395	377	649	679	978	835	2,022	1,891	3,913
Tishomingo county	806	40	478	538	813	759	1,396	1,032	2,687	2,320	5,016
First district	477	8	239	281	441	403	728	512	1,408	1,196	2,604
Second district	419	32	239	257	372	356	668	520	1,279	1,133	2,412

POPULATION OF CHICKASAW NATION BY COLOR.

Total, 57,329. Chickasaw, 3,129; white Chickasaw, 681; black Chickasaw, 122; mulatto Chickasaw, 9; white, 48,421; black, 3,651; mulatto, 20; quadroon, 3; octoroon, 2; Chinese, 9; Choctaw, 760; Cherokee, 149; Creek, 22; Shawnee, 3; Seminole, 1; Delaware, 4; Pottawatomie, 4; Caddo, 3; Pottawatomie-Cherokee, 1; Wyandotte, 2; white Cherokee, 56; white Choctaw, 230; white Creek, 2; white Shawnee by marriage, 1; white Wyandotte, 1; black Cherokee, 4; black Choctaw, 27; black Creek, 12.

AGRICULTURAL, MANUFACTURING, AND INDUSTRIAL PRODUCTS.

It is only possible to estimate by the observation of the special agents and enumerators the agricultural and industrial products of the Five Civilized Tribes. The Indians were very reluctant to give any information in regard to their land holdings, the area cultivated, products, or individual wealth. The whites, generally temporary residents, were as reluctant to furnish information as the Indians, not knowing but that the census would lead to their expulsion from the Indian territory. Indian territory is one of the best-watered, well-timbered, and arable sections of the United States. Its capacity for production of all the products usual to the middle states is unsurpassed. The lack of individual land ownership and thereby the lack of the incentive to farm one's own tract is a great drawback to agricultural progress. The climate is equable, with little cold weather, and usually but little snow. February is considered a spring month. It is followed by a long and hot summer, with pleasant nights. The whole region about the latitude of northern Alabama is calculated, under proper cultivation, to yield enormous crops of corn, cotton, and fruit. By careful estimates not less than 360,000 acres are under a kind of cultivation in the Five Civilized Tribes. Much of the cultivation is primitive and the acreage yield small. There is in the Five Tribes an estimated production of 4,350,000 bushels of corn, wheat, and oats; 421,000 bushels of vegetables of all kinds; 36,000 to 40,000 bales of cotton; and 168,000 tons of hay. The total value of these productions is estimated at \$5,756,000. The live stock of the Five Civilized Tribes, horses, mules, animals of all kinds, cattle, hogs, is estimated at 756,000. Sheep are raised for food and the wool for clothing. There is a record of 20 carloads of sheep carried out of the territory in 1890. The surplus crops and productions, including cattle, are marketed in the states adjoining. The cotton crop generally finds its way to the sea coast of Texas by rail, by the way of Ardmore, in the Chickasaw nation, or by the Red river. The manufactures of the Five Civilized Tribes are nominal. Still they produce many thousand woollen blankets and shawls, a large number of willow baskets, some maple sugar, wild rice, and fish from the river. Home weaving is a feature. The forests supply 8,000,000 feet of lumber per year, which is generally consumed by the people. At Waggoner, in the Creek nation, there is a sawmill engaged in cutting walnut timber, producing a large number of gunstocks, many of which are shipped for use in European armies. The forest also yields considerable hemlock bark, and large quantities of firewood are cut and sold.

VITAL STATISTICS.

The health of Indian territory is good, the death rate small, and the diseases are those common to the states of Kansas, Arkansas, and northern Texas. No statistics of deaths, burials, or marriages could be obtained. The laws of the several nations regulate marriages and burials for the citizens, and the Arkansas laws govern noncitizens in these particulars. The poor and unfortunate of the Five Tribes are fairly well cared for. The noncitizen poor are cared for by their own people.

WAGES.

No attempt was made to get statistics of labor. Farm hands are paid about the same wages as in Texas, Arkansas, or Kansas. The trades are not well paid, except in the towns made up of intruders or noncitizens, or by the railroads or other corporations. Coal miners get the current wages of Missouri.

COMMODITIES OF LIFE.

Provisions and clothing are about the same price as in southern Kansas or western Arkansas. The people outside of the towns, as a rule, live on plain fare, and much in the open air.

THE PROFESSIONS.

The professions are as a rule poorly paid. The lawyers are plenty, but the business is of a petty character, and not much profit comes from it.

HOUSES.

The houses of the citizens of the Five Tribes are built of stone, brick, and wood. Five hundred and sixty-one dwelling houses were found in the Seminole nation and 3,583 in the Creek nation, by count. No complete returns were made of the houses in the other nations.

COAL IN INDIAN TERRITORY.

[From the Report on Mineral Industries in the United States, at the Eleventh Census, 1890. David T. Day, special agent.]

The western or fourth field, which comprises the only deposits of the carboniferous measures west of the Mississippi river, extends across the boundaries of Kansas, Missouri, and Arkansas into the Indian territory, underlying almost the entire eastern half of that territory. The present developments of importance are along the line of the Missouri, Kansas and Texas railway, in the Choctaw nation reservation, and are conducted by the Osage Coal and Mining Company at McAlester and the Atoka Mining Company at Lehigh.

The Choctaw Coal and Mining Company is constructing a line of railroad from the Arkansas state line, passing through Oklahoma, to the western boundary of the territory, and southward to Denison, Tex., intersected by the Saint Louis and Kansas Pacific, the Missouri, Kansas and Texas, the Atchison, Topeka and Santa Fe, and Chicago, Rock Island and Pacific railroads. This company is engaged in developing a large area of excellent coal territory, lying along the route of the projected railroad, secured by lease from the Choctaw nation. This enterprise will constitute one of the most important in the southwest.

The quality of the coal now being mined in this territory is excellent for steam and heating purposes, and is well suited for gas and coking. The beds from which the product is obtained range from 3 to 5 feet in thickness, and comprise the two lower veins, which are here found to be of much greater thickness and freer from bone and other impurities, than in any other part of the field. Competent authorities assert that the coals now being mined in the Indian territory are superior to any found west of the Appalachian field.

The total product in the territory during the calendar year 1889 was 753,832 short tons, valued at \$1,323,807. The average number of persons employed during the year was 1,873; the total wages paid, \$927,267. No report of mining operations in this territory was made for the Tenth Census.

COAL PRODUCT OF INDIAN TERRITORY IN 1889. (a)

[Short tons.]

LOCALITIES.	MINES.		Total product of coal of all grades for year 1889.	DISPOSITION OF TOTAL PRODUCT.					Total amount received for coal sold in 1889.	Average price of coal at the mines.
	Regular.	Local.		Loaded at mines for shipment on railroad cars and boats.	Sold to local trade at mines.	Used by employes.	Used for steam at mines.	Manufactured into coke.		
Total	15	.....	752,832	609,122	1,173	5,922	33,997	12,618	\$1,323,807	\$1.76
Atoka	4	.....	323,080	312,326	630	3,097	7,117	.....	600,838	1.86
Choctaw nation.....	5	.....	428,748	386,350	75	2,825	26,880	12,618	720,961	1.68
Tobucksy.....	6	1,004	536	468	2,008	2.00

FIVE CIVILIZED TRIBES OF INDIAN TERRITORY.

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LABOR AND WAGES AT INDIAN TERRITORY COAL MINES IN 1889, BY COUNTIES.

LOCALITIES.	Total employes about mine.	Total average number employed.	ABOVE GROUND.											
			Foremen or overseers.			Mechanics.			Laborers.			Boys under 16 years.		
			Average number employed.	Average wages per day.	Average number of days worked.	Average number employed.	Average wages per day.	Average number of days worked.	Average number employed.	Average wages per day.	Average number of days worked.	Average number employed.	Average wages per day.	Average number of days worked.
Atoka and Choctaw nation.	1,862	220	11	\$2.55	291	63	\$2.50	170	145	\$1.90	164	1	\$1.00	250

LOCALITIES.	Total average number employed.	BELOW GROUND.												Total amount of wages paid during 1889.
		Foremen or overseers.			Miners.			Laborers.			Boys under 16 years.			
		Average number employed.	Average wages per day.	Average number of days worked.	Average number employed.	Average wages per day.	Average number of days worked.	Average number employed.	Average wages per day.	Average number of days worked.	Average number employed.	Average wages per day.	Average number of days worked.	
Atoka and Choctaw nation.	1,612	10	\$3.10	252	1,200	\$3.25	166	393	\$2.41	177	39	\$0.88	198	\$915,567

EXPENDITURES AT INDIAN TERRITORY COAL MINES IN 1889, BY COUNTIES.

LOCALITIES.	OFFICE FORCE.						Grand total employés.	Grand total wages.	Total value of supplies and materials of all kinds during 1889.	Total of all other expenditures for the mines or works.	Total mining expenditures.	Amount paid for contract work during 1889.	Grand total of all expenditures.
	Total.		Male.		Female.								
	Number.	Amount of wages.	Number.	Amount of wages.	Number.	Amount of wages.							
Total	11	\$11,700	11	\$11,700	-----	-----	1,873	\$927,267	\$53,404	\$172,150	\$1,152,821	\$20,000	\$1,172,821
Atoka	5	5,220	5	5,220	-----	-----	959	435,892	28,860	48,562	513,314	-----	513,314
Choctaw nation	6	6,480	6	6,480	-----	-----	914	491,375	24,544	123,588	639,507	-----	639,507
Tobucksy	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	20,000	20,000

VALUE OF AND POWER AT INDIAN TERRITORY COAL MINES IN 1889, BY COUNTIES.

LOCALITIES.	VALUE OF MINES AND IMPROVEMENTS							POWER USED IN MINING.							DAYS IDLE DURING YEAR.	
	In land leased.		In build-ings and fixtures.	In tools, imple-ments, live stock, machi-nery, and sup-plies.	Total.	Cash cap-ital not reported in the foregoing items.	Total capital.	Steam boilers.		Cylinders.		Other power.			Repairs to mines and machin-ery.	Short of cars.
	Acres.	Value.						Num-ber.	Horse power.	Num-ber.	Size. (Inches.)	Motors.		Number of ani-mals em-ployed.		
												Num-ber.	Horse power.			
Total	14, 766	\$738, 643	\$497, 509	\$131, 067	\$1, 367, 219	\$124, 790	\$1, 492, 009	38	1, 680	38	-----	2	30	169	8	22. 25
Atoka	6, 326	316, 298	251, 498	98, 203	665, 999	69, 790	735, 789	15	680	17	-----	-----	-----	89	8	22. 25
Choctaw nation	5, 440	272, 345	236, 011	22, 864	531, 220	55, 000	586, 220	19	760	16	-----	2	30	80	-----	-----
Tobucksy	3, 000	150, 000	10, 000	10, 000	170, 000	-----	170, 000	4	240	{ 1 4	18 x 36 16 x 30	} -----	-----	-----	-----	-----

The coal measure of Indian territory is chiefly in the Choctaw nation, covering an area of 13,600 square miles of bituminous coal. Iron, lead, copper, marble, sandstone, and limestone are found. Salt springs are also numerous.

LIVE STOCK ON RANGES, INDIAN TERRITORY, 1890.

Indian territory was included in the Second range district for census purposes. In Census Bulletin No. 117, Eleventh Census, 1890, is the following:

THE SECOND RANGE DISTRICT.

This district, which includes the Indian territory and the "Pan Handle" of Texas, including the public land strip, comprising thirty-five counties, has been extensively occupied as a maturing ground for cattle bred farther south. The Indian territory especially has been so used by large companies and associations of cattle men, who lease the lands or grazing privileges from the Indian tribes,

and by fencing large pastures with barbed wire dispense with herders. Each year nearly the entire stock is matured and sent to market and a new supply of young cattle from the south placed on the pastures; hence the percentage of sales is much larger from the Indian territory than from any other area of like extent in the southern portion of the grazing regions. Range stock, as shown by the tables, is located in the Chickasaw, Creek, and Osage reservations and the Cherokee outlet or strip. The large proportion of three and four-year-olds found in the Indian territory indicates that the business is conducted chiefly to mature rather than to breed cattle. In ordinary years, when prices are satisfactory, all dry cows and four-year-olds, and most of the three-year-olds, are sent forward to market, and the pastures are replenished from southern ranges. The cattle industry in the Indian territory has been fairly satisfactory since 1880, excepting the year 1886, succeeding the great loss by the winter storms of 1885-'86. The business is controlled almost exclusively by white men, who are not citizens of the territory or members of any Indian tribe, and the presence of the stock and the men in charge have been in some instances productive of dissatisfaction among the Indians. By executive order, within a few years cattle men have been excluded from the Arapaho and Cheyenne Indian reservations, and in October, 1890, were required to vacate all reservations in the Indian territory, excepting those of the so-called Five Civilized Tribes, thus transferring an area of land almost equal to that of the state of Ohio from the grazing region, which is now being settled as the territory of Oklahoma. The total losses of stock from all causes in 1889 were 13,938 head, a fraction over 3 per cent. No sheep are held on the ranges in the Indian territory.

The following table shows the number of horses, mules, asses, swine, and sheep, the wool clip, the value of sales, losses by death, and number of men employed:

HORSES, MULES, ASSES, SWINE, AND SHEEP, WOOL CLIP, VALUE OF SALES, LOSSES BY DEATH, AND NUMBER OF MEN EMPLOYED.

DISTRICTS.	Number of horses.	Number of mules.	Number of asses or burros.	Number of swine.	Number of sheep.	Wool clip. (Pounds.)	Value of horses sold in 1889.	Value of sheep sold in 1889.	Value of swine sold in 1889.	Died in 1889. (All stock from all causes.)	Men employed on ranges.
Cherokee, Osage, and Creek reservations.	2,716	97	-----	-----	-----	-----	\$9,963	-----	-----	4,723	161
Chickasaw nation	1,077	49	5	530	-----	-----	100	-----	\$1,300	2,940	37

Osage a small portion only.

RAILROADS IN INDIAN TERRITORY.

Total mileage, 880 miles.

ALL GRANTED RIGHT OF WAY BY CONGRESS.

The Missouri, Kansas and Texas railway runs for 248 miles through the Cherokee, Creek, Choctaw, and Chickasaw nations, from Chetopa (Kansas) to Denison (Texas). The Missouri Pacific operates a line through the Cherokee and Creek nations from Coffeyville (Kansas) to Fort Smith (Arkansas), 170 miles, crossing the Missouri, Kansas and Texas, at Wagoner. The St. Louis and San Francisco railway connects southwestern Missouri with Sapulpa, in the Creek nation, and operates a line from Fort Smith (Arkansas) through the Choctaw Nation to Paris (Texas). The Choctaw Coal and Railway Company has a line from South McAlester, on the Missouri, Kansas and Texas, to near Caston, on the Frisco. The Gulf, Colorado and Santa Fe operates 106 miles of main line through the Chickasaw country, connecting Purcell with Gainesville (Texas).

NEWSPAPERS IN THE FIVE CIVILIZED TRIBES.

IN THE CREEK NATION.

NAME.	Location.	Management.	Period of issue.	Circulation.
Indian Journal	Eufaula	Creek	Weekly	840
Muskogee Phoenix	Muskogee (a)	Republican and Creek	Weekly	1,470
Brother in Red	Muskogee	Methodist	Weekly	1,300
Brother in Black	Muskogee	Methodist	Weekly	(b) 500

a Muskogee is used as frequently as Muskogee in the Creek nation.

b Estimated.

There is no paper published in the Seminole nation.

IN THE CHEROKEE NATION.

Cherokee Advocate, national organ, published at Tahlequah, half in English and half in Cherokee.

IN THE CHOCTAW NATION.

There are three newspapers published in the Choctaw nation. The Indian Citizen, a weekly issue, is published monthly at Atoka, is devoted to the Indian people and their interests, and has liberal patronage. Circulation 1,320. The same may be said of the Twin City Topics, a weekly journal published at McAlester. The Indian Missionary, published monthly at Atoka, is a small sheet in the interest of the Baptist denomination in the territory. This paper is read by but few persons outside the denomination, as its columns are sectarian. Its circulation is given as being 1,000.

IN THE CHICKASAW NATION.

There are seven newspapers now published in the Chickasaw nation. They all claim to be independent in politics. The Chickasaw Chieftain, published at Ardmore; The Ardmore Courier, published at Ardmore; The Herald, published at Wynnewood; The Chickasaw Enterprise, published at Pauls Valley; Territorial Topics, published at Purcell; The Register, published at Purcell, and The Minstrel, published at Minco. All of these papers are supported by the noncitizens and whites. There is no Indian paper published in the Chickasaw nation.

BANKS.

One national bank at Muscogee, Creek nation; one at Ardmore, Chickasaw nation, and some private banks.

TOWNS IN THE FIVE CIVILIZED TRIBES.

None of the towns of the Five Tribes are incorporated. The towns occupied by the noncitizens (called intruders) are merely camps, but with valuable and important buildings. There is no law to incorporate town sites. There are no town limits, sewers, water supply, police, fire departments, or any of the ordinary features of organized communities. The United States court has jurisdiction of civil suits between or affecting noncitizens of the Five Tribes, and under this authority appoints United States commissioners in each of the towns and deputy United States marshals as well, who act as officers for the commissioners.

The Indian who owns or claims the occupancy title to the lands on which the noncitizen towns are situated collects rents from the lot holders. The permit collectors of fees from nonresidents for license to trade, or practising the professions, or to reside in a nation, closely watch the incoming of the noncitizen residents of towns.

CHIEF PLACES AND THEIR POPULATION.

It is most difficult to enroll a town in Indian territory, as there are no town lines. The towns run into the country and the country into the towns.

Choctaw nation.—Lehigh, 1,600; McAlester, 3,000; Krebs, 3,000; Caddo, 2,170; Atoka, 800; Coalgate, 818; Hartshorn, 939.

Creek nation.—Muscogee, 1,800; Ockmulgee, 136; Enfaula, 500.

Seminole nation.—Wewoka, 25.

Cherokee nation.—Tahlequah, 1,200; Vinita, 1,200.

Chickasaw nation.—Ardmore, 2,100; Purcell, 1,060; Wynnewood, 398; Pauls Valley, 206; Marietta, 110; Dougherty, 103; Benogn, 95.

POST-OFFICES IN INDIAN TERRITORY.

There are 68 post-offices in the Cherokee nation, 92 in the Chickasaw nation, 82 in the Choctaw nation, 19 in the Creek nation, and 5 in the Seminole nation.

SCHOOLS IN THE FIVE CIVILIZED TRIBES.

Education receives much care and attention at the hands of the people and authorities of the Five Civilized Tribes. In one of them, as shown by the report of the special agent, the freedmen and colored people are not properly considered in school matters. In movements looking to a change in the present form of government this should be seen to, and all citizens receive equal treatment in the matter of schools. The teachers in the schools of the Five Tribes are generally educated Indians, with a few whites. The schoolbooks used are in the English language.

CHEROKEE NATION.

The schools of the Cherokee nation are justly a source of pride to all the citizens. One-half of the revenue derived from the funds in the hands of the United States invested in 5 per cent government bonds is devoted to their support. These schools consist of the Cherokee Orphan Asylum, the National Male and Female Seminaries, and 100 primary schools scattered throughout the different judicial districts of the nation in proportion to the population, the highest number in any district being 15, and the lowest 7. The expenditure of the nation for educational purposes among the primary schools is confined to books and tuition, each locality being required to furnish the house and keep it in repair, as well as to furnish fuel and water. It is required also that the locality furnish a minimum number of pupils—13—and on failure of a school to show that average attendance per month the school is discontinued and some other neighborhood has an opportunity to furnish the required number of pupils.

The general management of the schools of the nation has heretofore been vested in a national board of education consisting of three members, who are appointed by the principal chief and confirmed by the senate. They serve for three years and get a salary of \$600 each per year. They are entrusted with the duty of hiring the teachers, the law requiring them to give preference to natives and graduates of the seminaries, the purchase and distribution of books and other supplies, and the general supervision of the schools, each member having a separate part of the nation under his especial care.

The orphan asylum, as well as each seminary, is under charge of a superintendent, and has a steward, matron, and the usual number of employés, in addition to the principal and a corps of teachers. The asylum and each of the seminaries is capable of accommodating from 150 to 200 pupils, and a provision is made for the board and clothing of a certain number of pupils, about 50, as well as the tuition and books of all. Those who are able to pay are charged \$2 per week for board, lodging, laundry, and tuition.

The primary teachers are paid a minimum salary of \$30 per month, for an attendance of 15 pupils. This monthly salary may be increased one dollar per month for each additional pupil that attends, up to \$50 per month, the maximum salary allowed for 35 pupils, but it can not be further increased, though if the number is large enough, in the opinion of the board to justify it, 2 teachers may be allowed. In the latter case each teacher receives the same amount of salary, making the maximum cost of the school for tuition \$100 per month.

Each teacher is required to render a monthly report to the board of education, as well as a term report at the end of each term. There are two terms during the year; the spring term continuing through February, March, April, May, and June, and the fall term running through September, October, November, and December. Each school has a board of directors, consisting of 3 members, appointed by the national board of education.

Schoolbooks are issued by the national board of education on a requisition signed by the teacher. There does not seem to be any limit or any responsibility in regard to this matter of issuing or drawing books and supplies. The first teacher applying is served first, and the later ones go away many times with nothing. The next term or the next year is likely to find the wide-awake teacher on hand early again, while the slow-going teacher goes away with slate pencils and foolscap and whatever else happens to be left by the more fortunate and active ones. The language used in all the schools is English, no Cherokee being taught.

Buildings for the male and female seminaries were erected in 1848. The male seminary was located about 2 miles from Tahlequah, while the female seminary was in another direction, about 4 miles from Tahlequah, and $2\frac{1}{2}$ or 3 miles from the male seminary. The buildings were exactly alike, each room being furnished with a large fireplace, and each building having a porch extending along three sides of it, 2 stories high and supported by 25 circular brick columns. In 1874 a large addition was built to each, making them still precisely alike, and probably doubling their capacity. The female seminary took fire and burned to the ground one Sunday afternoon in April, 1887, during the spring term. While little was saved from the flames, no lives were lost. The pupils were sent to their homes, a special session of the national council was called, and an appropriation was made to erect another building. It was determined to put the new building near the town of Tahlequah, and it overlooks the city from an eminence in the suburbs. It is a beautiful structure, in modern style of architecture, with all the improved modern conveniences. It will accommodate over 200 pupils. The male seminary has been overhauled and put in good condition also, and with its large fireplaces, huge chimneys, great porches, and numerous columns, it offers an interesting contrast to the modern building erected for the girls. A score of the columns of the old female seminary still stand as melancholy monuments of its former days.

The cost of the system of education as now carried on aggregates about \$80,000 per year. With a few changes it could be made much less expensive and much more effective. These changes are being agitated and without doubt will soon be made.

MISSION SCHOOLS.

In addition to the system of schools already described there are quite a number of schools carried on in the Cherokee nation by the different mission school boards of the country. These are doing effective work in educating the young, and are a great power in molding the nature of the youth, as well as restraining the adult population, and go a great way in giving the moral and religious tone to the Cherokees. Of these schools, those supported by the Presbyterians are the most numerous, though the Baptist, the Congregationalists, and the Southern Methodists are represented. Of those under the charge of the Presbyterians, one is located at Tahlequah, one at Park Hill, another at Elm Springs, and still another at Pleasant Hill. The Baptists have a school at Tahlequah, and the Congregationalists and Southern Methodists each one at Vinita.

PUPILS IN THE CHEROKEE COMMON SCHOOLS, JUNE 1, 1890.

As reported by Governor J. B. Mayes.

Number of pupils attending Cherokee common schools	3,877
Female academy	156
Male seminary	156
Orphan asylum	250

The Cherokee children in mission schools June 1, 1890, were:

Baptist mission at Tahlequah	70
Presbyterian mission at—	
Tahlequah	35
Park Hill	76
Woodall	41
Elm Spring	40
Worcester Academy at Vinita	122
Galloway College at Vinita	60
Aggregate in all schools in the Cherokee nation	4,837

The Cherokees have schools for their colored children, including a high school.

CREEK NATION.

The Creek public-school system consists of thirty-six neighborhood schools, the school year being divided into two terms of four months each, for the support of which \$76,468.40 is annually appropriated by the council out of moneys received from the United States. Both Indian and colored are educated. These schools bear evidence of a commendable effort on the part of the progressive element of the nation to elevate their people to a higher standard of knowledge and civilization, but either for want of intelligent management or proper support, they are only indifferently successful. Against this is arrayed the combined influence of traditional superstition, ignorance, and conceit, that are as yet deep-seated in the minds of no inconsiderable portion of this tribe. This element takes little interest in the cause of education, and if their children spend the day in hunting instead of at school the parents are as well satisfied, particularly if the young sportsman has been successful in quest of game.

Education with these Indians is purely optional, and statistics show that more than two-thirds of the children of school age do not attend school at all. If they could be induced to adopt some system of compulsory education their progress and welfare would be greatly enhanced. The English language is not generally spoken, except among the educated classes, and doubtless to the inability of teachers to enforce its use in the public schools is largely due the meager success of those institutions. The Indian youth is imitative, learns mechanically, but singularly fails in comprehension, and instances are common where pupils acquire the art of reading English fluently, and at the same time not understand a word they read.

The council of 1890 evinced a better disposition to encourage education than heretofore by creating a board of public instruction composed of three progressive citizens of the nation, from whose management better results are expected.

The mission and contract schools are well attended, and as a rule in a flourishing condition. There are ten of these institutions located in the Creek nation under the auspices of the following religious denominations, viz:

NAME.	Location.	Denomination.	CAPACITY.		AVERAGE ATTENDANCE.	
			Boarding.	Day.	Boarding.	Day.
Nuyaka Mission.....	Nuyaka	Presbyterian Board of Home Missions.	86	.....	79	.....
Wealaka Mission (a).....	Wealaka	do	100	.....	100	.....
Presbyterian school .....	.....	.....	.....	.....	.....	.....
Presbyterian school for girls	Muscogee	Presbyterian Board of Home Missions.	30	4	35	4
Presbyterian school	Red Fork	do	200	.....	.....	17
Presbyterian school	Tulsa	do .....	.....	38	.....	19
Harrell Institute	Muscogee	Methodist Episcopal Church, South.	50	150	55	147
Indian University.....	Bacome	American Baptist Home Missions.	100	20	64	29
Levering Mission.....	Wetumka	do	75	.....	87	.....
Tallahassee Manual Labor school for Freedmen.	Muscogee	do	50	10	51	.....
Methodist Episcopal school ..	Tulsa	Methodist Episcopal Church (North).	100	25	.....	23

a Burned April 20, 1890; loss \$48,000; being rebuilt. Of the several institutions scheduled above, the Nuyaka Mission, Nuyaka, Presbyterian School for Girls, and Harrell Institute, Muscogee, Indian University, Bacome, and the denominational schools at Red Fork and Tulsa, are deserving of special mention as being model institutions of learning and fully equal in appointments and instruction to the standard of similar institutions in the states. The effective work performed by such schools is seen in the Indians and must eventually supplant the superstitions and prejudices of the untutored classes.

STATISTICS OF INDIANS.

SEMINOLE NATION.

The public-school system consists of four neighborhood schools and an annual public school fund of \$7,500. Two of these public schools are set apart for the education of colored children and have an average attendance of 47 pupils as against 34 for the two Indian schools. About three-fourths of the children of school age do not attend school at all.

There are also two denominational contract schools (missions) as follows:

NAME.	Location.	Under what denomination.	Capacity.	Average attendance.	Number who have been accommodated.
Wewoka Mission.....	Wewoka.....	Presbyterian .	50	50	58
Seminole Female Academy	Sasakwa.....	Baptist.....	30	30	39

CHOCTAW NATION.

The school property of the Choctaw nation is valued at \$200,000. They have 4 boarding schools, besides several mission or denominational schools and 174 neighborhood or public schools. Their yearly expenditure for schools is \$83,000. Some colored schools are provided, estimated to be about 20 per cent of the whole number of neighborhood or public schools. The academies and boarding schools are:

	CAPACITY.
Spencer Academy.....	120
New Hope Seminary	130
Glenlock Orphan Academy.....	60
Armstrong Orphan Asylum.....	60

CHICKASAW NATION.

No provision is made in the Chickasaw nation for the education of the children of the freedmen. The Chickasaw legislature provides for 5 boarding academies as follows: Male, at Tishomingo, 60 pupils; male, at Wau-pauneka, 60 pupils; female at Stonewall, 40 pupils; female at Bloomfield, 45 pupils; male and female orphan school, 60 pupils; total in boarding academies, 265; sent to schools in the states, 35; aggregate in all boarding schools, 300. The average allowance for these is \$150 each, for the session, requiring the sum of \$45,000 each year. Besides these boarding pupils thus provided for, there are 12 schools known as neighborhood schools. In these there are about 300 pupils for whom (on account of boarding) the legislature provides \$8 per month, an annual appropriation of about \$24,000, and we have for neighborhood schools \$29,400. To this add the amount for the 5 boarding schools and for pupils in the states, \$45,000, and the aggregate is \$74,400. Some students are sent to institutions in Texas for higher education, 35 in 1890. The superintendent of public instruction is elected by the legislature. He has the management and general control of all national schools and school buildings in the nation. His term of office is four years, unless sooner removed for misdemeanor in office. About one-half or 600 children is the average attendance of the school population.

Section 3 of the act of October 9, 1876, provides that the standard of school books shall be of a uniform character and of the southern series, and no other books shall be used or taught in the Chickasaw nation. Any person decoying a scholar from school against the wishes of the parent, or guardian, is liable to a fine not exceeding \$50, or imprisonment not exceeding three months, at the discretion of the court.

CHURCH STATISTICS FIVE CIVILIZED TRIBES, ELEVENTH CENSUS, 1890.

CHEROKEES, CREEKS, SEMINOLES, CHOCTAWS, AND CHICKASAWS.

The statistics of churches in the Five Civilized Tribes are from bulletins, Eleventh Census, 1890, "Statistics of Churches," prepared by Henry K. Carroll, LL. D., special agent in charge of the same.

SUMMARY BY CHURCHES.

CHURCHES.	Organiza- tions.	Edifices.	Seating capacity.	Halls, etc.	Seating capacity.	Value of church property.	Members.
Total	785	422½	77,783	308	30,585	\$177,066	28,521
African Methodist Episcopal (Bull. 131, p. 27)	14	22	1,680			2,618	489
Brethren or Dunkards (conservative) (Bull. 131, p. 16)	1			1	40		27
Cumberland Presbyterian (Bull. 70, p. 5)	52	29½	8,200	22	1,985	10,145	1,204
Church of God (Bull. 131, p. 49)	16	11	1,285	5	550	1,200	811
Congregational (Bull. 202, p. 27)	6						127
Colored Methodist Episcopal (Bull. 369, p. 12)	13	9	2,850			2,975	291
Disciples of Christ (Bull. 180, pp. 6 and 7)	73	8½	2,305	36	3,230	2,850	1,732
Free Methodist (Bull. 349, p. 14)	1			1	75		12
Independent Churches of Christ in Christian Union (Bull. 131, p. 46)	1			1	250		40
Presbyterian Church in the United States of America (Bull. 174, p. 7)	70	54	8,018	14	1,060	39,763	1,803
Presbyterian Church in the United States (Bull. 174, p. 31)	13	22	5,250			7,750	629
Methodist Episcopal (Bull. 195, p. 10)	30	14	3,525	16	2,300	8,550	785
Methodist Episcopal (South) (Bull. 203, p. 7)	274	133	24,155	127	11,135	58,900	9,683
Methodist Protestant (Bull. 349, p. 5)	16	1	200	15	2,100	300	278
Moravian (Bull. 70, p. 19)	1	1	150			400	40
Reorganized Church of Jesus Christ of Latter-Day Saints (Bull. 131, p. 53)	2						46
Roman Catholic (Bull. 101, p. 12)	16	8	1,680	8	90	5,850	1,215
Regular Baptist (South) (Bull. 375, p. 19)	181	109½	18,485	57	7,455	35,765	9,147
Society of Friends (Orthodox) (Bull. 159, p. 22)	5			5	315		162

CONGREGATIONAL CHURCH.

Cherokee nation has 2 organizations of the Congregational church, with 37 communicants or members.

Choctaw nation has 4 organizations of the same church, with 90 communicants or members. In all, 6 Congregational church organizations in Indian territory, with 127 communicants or members.

COLORED METHODIST EPISCOPAL.

Choctaw nation.—Thirteen organizations, 9 church edifices, with a seating capacity of 2,850. Value of church property, \$2,975: 291 communicants or members.

DISCIPLES OF CHRIST.

	Number of organiza- tions.	Church edifices.	Seating capacity.	Halls, etc.	Seating capacity.	Value of church property.	Communi- cants or members.
Total	31	3½	900	10	1,600	\$1,500	590
Choctaw nation	27	3½	900	{ S. h. 6 } { P. h. 1 } 7	1,150	1,500	512
Creek nation	4			{ S. h. 2 } { P. h. 1 } 3	450		78

FREE METHODIST CHURCH.

Chickasaw nation.—One organization; worship in a schoolhouse; seating capacity 75; 12 communicants or members.

INDEPENDENT CHURCH OF CHRIST IN CHRISTIAN UNION.

Choctaw nation.—One organization; schoolhouse for worship; seating capacity, 250; communicants or members, 40.

MORAVIAN CHURCH.

Cherokee nation.—One church, with a seating capacity of 150, and with 40 communicants or members. Value of edifice, \$400.

STATISTICS OF INDIANS.

AFRICAN METHODIST EPISCOPAL CHURCH.

	Number of organiza- tions.	Church edi- fices.	Seating ca- pacity.	Value of church property.	Communi- cants or members.
Total	14	22	1,680	\$2,618	489
Cherokee nation	4	5	500	2,000	112
Choctaw nation	6	14	655	163	320
Creek nation	4	3	525	455	57

BRETHREN OR DUNKARDS (CONSERVATIVE) CHURCH.

Chickasaw nation.—One church; they use a schoolhouse for worship which has a seating capacity of 40. They have 27 communicants or members.

CUMBERLAND PRESBYTERIAN CHURCH.

	Number of organiza- tions.	Church edi- fices.	Seating ca- pacity.	Halls, etc.	Seating ca- pacity.	Value of church property.	Communi- cants or members.
Total	52	29½	8,200	22	1,985	\$10,145	1,204
Cherokee nation	14	8½	950	10	1,060	4,050	441
Chickasaw nation	11	1	200	10	925	450	166
Choctaw nation	27	25	7,050	2	.....	5,645	597

CHURCH OF GOD.

IN THE CHEROKEE NATION.	Number of organiza- tions.	Church edi- fices.	Seating ca- pacity.	Halls, etc.	Seating ca- pacity.	Value of church property.	Communi- cants or members.
Total	16	11	1,285	5	550	\$1,200	811
Canadian district	3	1	100	{ P. h. 1 } { S. h. 1 } 2	100	.....	80
Flint district	2	2	275	.....	.....	600	154
Sans Bois district	1	.....	.....	S. h. 1	100	.....	50
Sequoyah district	10	8	910	S. h. 2	350	600	527

PRESBYTERIAN CHURCH IN THE UNITED STATES OF AMERICA.

	Number of organiza- tions.	Church edi- fices.	Seating ca- pacity.	Halls, etc.	Seating ca- pacity.	Value of church property.	Communi- cants or members.
Total	70	54	8,018	14	1,060	\$39,763	1,803
Cherokee nation	28	16	2,867	{ H. 2 } { S. h. 10 }	910	14,800	727
Chickasaw nation	6	4	1,000	.....	.....	7,000	148
Choctaw nation	28	26	2,726	S. h. 2	150	10,775	548
Creek nation	6	6	1,075	.....	.....	6,188	314
Seminole nation	2	2	350	.....	.....	1,000	66

PRESBYTERIAN CHURCH IN THE UNITED STATES (SOUTHERN).

	Number of organiza- tions.	Church edi- fices.	Seating ca- pacity.	Value of church property.	Communi- cants or members.
Total	13	22	5,250	\$7,750	629
Chickasaw nation	2	5	1,200	1,200	175
Choctaw nation	11	17	4,050	6,550	454

METHODIST EPISCOPAL CHURCH.

	Number of organiza- tions.	Church edifices.	Seating capacity.	Halls, etc.	Seating capacity.	Value of church property.	Communi- cants or members.
Total	26	10	2,325	16	2,300	\$5,550	591
Cherokee nation	16	6	1,000	{ H. 2 S. h. 5 } 10 P. h. 3	1,400	2,150	391
Chickasaw nation	4	3	825	S. h. 1	100	2,200	75
Choctaw nation	6	1	500	{ H. 2 S. h. 2 } 5 P. h. 2	800	1,200	125

METHODIST EPISCOPAL CHURCH (SOUTH).

INDIAN MISSION.	Number of organiza- tions.	Church edifices.	Seating capacity.	Halls, etc.	Seating capacity.	Value of church property.	Communi- cants or members.
Total.....	274	133	24,155	127	11,135	\$58,900	9,683
Cherokee nation, Ind. T	78	{ 1 R. 17 }	3,750	{ H. 1 S. h. 45 } 52 { P. h. 6 }	4,425	13,500	2,635
Chickasaw nation, Ind. T	86	37½	6,005	{ H. 1 S. h. 45 } 47 { P. h. 1 }	5,200	19,050	3,329
Choctaw nation, Ind. T	97	66½	12,950	{ S. h. 24 } 27 { P. h. 3 }	1,450	21,250	2,312
Creek nation, Ind. T	13	{ 1 R. 10 }	1,450	S. h. 1	60	5,100	907

METHODIST PROTESTANT CHURCH.

INDIAN MISSION.	Number of organiza- tions.	Church edifices.	Seating capacity.	Halls, etc.	Seating capacity.	Value of church property.	Communi- cants or members.
Total.....	16	1	200	15	2,100	\$300	278
Cherokee nation	10	.....	.....	S. h. 10	1,050	.....	168
Choctaw nation	6	1	200	S. h. 5	1,050	300	110

REORGANIZED CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS.

Cherokee nation.—Two organizations, with 46 communicants or members.

ROMAN CATHOLIC CHURCH.

The Catholic churches in the Cherokee, Chickasaw, Choctaw, and Creek nations are located in towns and are chiefly, if not entirely, used by whites or colored.

	Number of organiza- tions.	Church edifices.	Seating capacity.	Halls, etc.	Seating capacity.	Value of church property.	Communi- cants or members.
Total.....	16	8	1,080	8	90	\$5,850	1,215
Cherokee nation.....	4	1	150	{ H. 1 P. h. 2 } 3	60	600	200
Chickasaw nation.....	4	1	200	P. h. 3	.....	800	230
Choctaw nation.....	7	6	1,330	P. h. 1	.....	4,450	735
Creek nation.....	1	.....	.....	P. h. 1	30	.....	50

REGULAR BAPTISTS (SOUTH).

	Number of organiza- tions.	Church edifices.	Seating capacity.	Halls, etc.	Seating capacity.	Value of church property.	Communi- cants or members.
Total.....	181	109½	18,485	57	7,455	\$35,765	9,147
Cherokee nation.....	23	23	5,200	.....	.....	9,400	2,838
Chickasaw nation.....	64	10	1,895	{ S. h. 39 } 42 { P. h. 3 }	5,705	5,285	1,976
Choctaw nation.....	56	40½	7,040	S. h. 13	1,650	13,640	2,388
Creek nation.....	32	31	3,750	1	50	6,440	1,708
Seminole nation.....	6	5	600	S. h. 1	50	1,000	237

SOCIETY OF FRIENDS (ORTHODOX).

Cherokee nation.—Five organizations who worship in 4 schoolhouses and 1 private house, which have a seating capacity of 315, and have 162 communicants or members.

SUNDAY SCHOOLS IN THE FIVE CIVILIZED TRIBES.

STATISTICS OF SUNDAY SCHOOLS IN THE FIVE CIVILIZED TRIBES, 1890.

[Compiled by the Rev. J. McC. Leiper.]

	Sunday schools.	Teach- ers.	Schol- ars.	Total.
Total	352	1,341	10,525	11,866
Presbyterian	44	271	2,475	2,746
Baptist	65	325	2,500	2,825
Methodist	116	562	4,130	4,602
Congregationalist	5	25	300	325
Christian	30	150	1,050	1,200
Moravian	2	8	70	78

FORM OF GOVERNMENT IN THE FIVE CIVILIZED TRIBES.

The form of government of four of the five tribes or nations in Indian territory is similar to that in states in the United States, having three departments—executive, legislative, and judicial. Under these the functions are about the same. As in the states, the Cherokees, Creeks, Choctaws, and Chickasaws have written and printed codes of laws. The Seminoles have no written or printed laws or constitution, and enforce the Creek laws, except that the principal chief has no pardoning power. There is also a first and second chief and a national council, which is in fact a legislature and a supreme court as well, composed of 14 “clan chiefs.” Still the government is virtually in the hands of two or three men, who control its policy and finances.

The reports of the special agents following give details as to governmental control and methods, and data as to crimes and punishments.

CONSTITUTION OF THE CHEROKEE NATION, 1835.

DIGEST OF PROVISIONS.

[From the report of United States Indian Agent Robert L. Owen, 1885.]

The constitution of the Cherokee nation declares first, the boundary of its lands; second, “that the lands of the Cherokee nation shall remain common property, but the improvements made thereon and in possession of the citizens of the nation are the exclusive and indefeasible property of the citizens, respectively, who made or may rightfully be in possession of them.” No citizen shall dispose of such farms to United States citizens, and after two years’ abandonment the farms form part of the public domain, and may be settled and taken possession of by other citizens. The property of a deceased citizen is disposed of by his will, properly recorded, or, in absence of a will, by laws regulating inheritance. The laws make provision for administrators and executors of wills, etc., the district courts having full probate jurisdiction.

The power of the Cherokee government is divided into three distinct departments—the legislative, executive, and judicial—and no person or persons belonging to one of these departments shall exercise any of the powers properly belonging to either of the others, except in the cases expressly directed or permitted in the constitution. The legislative power, called the national council, consists of a senate and house of representatives, called the council. The national council exercises the usual functions of state legislatures. The supreme executive power is vested in “the principal chief of the Cherokee nation,” who has about the same authority as a governor of a state, exercising the veto power, pardoning prerogative, etc. He is elected by *viva voce* vote of the majority of the people, and serves for four years. There is the treasurer and assistant treasurer, the national auditor, 9 sheriffs, 1 for each political district, many deputy sheriffs, 1 district clerk for each of the 9 political districts; also deputy clerks and solicitors or prosecuting attorneys for each district. The principal chief has 4 executive secretaries, whose salaries average about \$1,250 each per annum, and his office is thoroughly well organized. He has also an advisory board, called the executive council.

The judiciary is composed of 9 district courts, 3 circuit courts, and 1 supreme court, the latter being a court of appeals. A motion to abate or dismiss a suit, or demurrer overruled in the circuit court, may be appealed to the supreme court. Cases involving the death penalty are in the original and exclusive jurisdiction of the supreme court. In these courts may be sued out writs of attachment, garnishment, ejectment, and other writs, under the provisions of the Cherokee statutes.

The wife may hold property in her own name, and not subject to the will of her husband, and *vice versa*. The constitution further provides against *ex post facto* laws, that those accused shall have fair trial by jury, and all citizens shall be secure in their persons, houses, papers, and possessions from unreasonable seizures and searches, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without good cause, supported by oath or affirmation; that “no person who denies the being of a God, or a future state of reward and punishment, shall hold any office in the civil department of this nation.” Freedom of worship is guaranteed forever. No person shall be twice put in jeopardy of life or limb for the same offense. Trial by jury to remain inviolate, and section 9, article 11, of the constitution declares as follows:

Religion, morality, and knowledge being necessary to good government, the preservation of liberty and the happiness of mankind, schools, and the means of education, shall forever be encouraged in this nation.

CHICKASAW NATION.

In 1892 Senator O. H. Platt wrote Governor William L. Byrd, of the Chickasaw nation, for information as to that people. Overton Love, of date May 24, 1892, answered:

Chickasaws first established an organized form of government and passed written laws in 1855.

The first treaty I have was made with the Chickasaws in 1832, which you will find on page 259 of constitution, treaties and laws of the Chickasaw nation.

The United States guaranteed self-government to Chickasaws in treaty of June 22, 1855, articles 1, 2, 4, and 7, and treaty of April 28, 1866. (See pages 298, 299, and 300, and pages 313 to 336, constitution, treaties, and laws of the Chickasaw nation.)

The Chickasaws have a written constitution, adopted 1855; also an organized legislature and a body of written laws. (See constitution, treaties, and laws of the Chickasaw nation, beginning at page 3.)

The Chickasaws are independent of the Choctaws as to the matter of lawmaking and courts.

The Chickasaw legislature is composed of two distinct bodies, the senate and house of representatives. The Chickasaws have organized supreme, district, and county courts.

The Chickasaws united with the Choctaws in 1837. As to extent of the union of the Chickasaws and Choctaws, see treaty of 1837, page 286, constitution, treaties, and laws of the Chickasaw nation.

There are about 5,000 Chickasaw citizens. No adopted citizens, but have some citizens by intermarriage. There are about 6 negro citizens to my knowledge.

The Census of 1890, in the department, will show you the number of people, other than citizens, living in the Chickasaw nation, about half of whom are intruders.

They are classed as such (intruders) from the fact that they are remaining here without authority from the United States government or the Chickasaws.

The Chickasaws claim the government to be under obligations to remove intruders from their territory by virtue of the treaty of June 22, 1855, article 7. (See page 300, constitution, treaties, and laws of the Chickasaw nation.)

CHOCTAWS AND CHICKASAWS.

The peculiar intertribal relations existing between the Choctaw and Chickasaw nations are thus stated:

The status of Choctaws in the Chickasaw nation, or *vice versa*, is this: Members of either tribe can occupy, improve, and hold land in either nation, in conformity to the requirements of the tribal law, and enjoy the full protection of the government within which they reside, being amenable to the laws of the same. The sixteenth section of the general provisions of the Chickasaw constitution confirms the fifth article of the treaty of 1855, relative to intertribal relations. The Chickasaws, however, fearing Choctaw domination of their affairs, took the precaution to deny Choctaws, within their boundaries, the privilege of suffrage or holding office. The Choctaws give the Chickasaws, within the boundaries of their nation, every right, privilege, and immunity enjoyed by their own people. Both tribes have an equal individual interest in the lands west of the ninety-eighth meridian, commonly called the leased district. As the population of the Choctaws is about three-fourths greater than that of the Chickasaws, all moneys derived from this source are divided between the tribes in the proportion of three-fourths to the former and one-fourth to the latter. All royalties arising from the development of the mineral and timber resources of either nation are shared in the above manner. As the coal product for these nations the past year was 752,832 tons, valued at \$1,323,806, it will be seen that this royalty is no inconsiderable sum. The Choctaws and Chickasaws, by the treaty of 1855, received \$800,000 for the lease of the lands west of 98° to the government, and by act of the last Congress their claim for an unqualified sale was allowed in part, an appropriation of \$2,991,400 being made to extinguish their title to that part of the leased district occupied by the Cheyennes and Arapahoes. Should the full claim be allowed, they will receive an additional \$3,250,000. Aside from funds arising from their mutual interest in the public domain, the Chickasaws and Choctaws have their separate annuities and interest on trust funds.

LAWS OF THE FIVE CIVILIZED TRIBES.

The laws of the Cherokee nation are in one volume, pp. 284, in English, entitled "Constitution and Laws of the Cherokee Nation," published by authority of the Cherokee National Council. Saint Louis. R. & T. A. Ennis stationers, printers, and bookbinders, No. 118 Olive street. 1875. These laws are also published in the Cherokee language.

The laws of the Creek nation are in one volume, pp. 250, in English, entitled "Constitution and Laws of the Muskogee Nation, as compiled by L. C. Perryman, March 1, 1890, Muskogee, Indian territory, Phoenix Printing Company. 1890." These laws are also published in the Creek language.

The Seminoles have no written or printed laws. The Creek laws as a rule are applied among the Seminoles, whose government is in many features still almost tribal, and virtually in the control of three or four men.

The codified laws of the Choctaw nation are in one volume, in English, pp. 200: "Constitution, Treaties, and Laws of the Choctaw Nation, made and enacted by the Choctaw Legislature, 1887." Democrat Steam Print, Sedalia, Missouri.

The Chickasaw laws are in one volume, pp. 343, in English: "The Constitution, Treaties, and Laws of the Chickasaw Nation, made and enacted by the Chickasaw Legislature, 1890." Indian Citizen Print, Atoka, Indian Territory.

CREEK NATION LAWS.

The preamble of the constitution of the Muskogee (Creek) nation, in effect March 1, 1890, is as follows:

In order to form a perfect union, establish justice, and secure to ourselves and our children the blessings of freedom, we, the people of the Muskogee nation, do adopt the following constitution.

This constitution consists of 10 articles, with 34 sections. It provides for the usual executive, judicial, and legislative departments, but with extraordinary powers in each.

The laws made under this constitution are ironclad. They maintain the power of the officials as against the people, and so the entire official body is interested in preventing any change in the existing laws or methods, and most of the people are content so long as they pay no direct taxes.

These laws govern citizens of the Muskogee nation only. No citizen of the United States can become a citizen of the Muskogee nation, nor can any citizen of the Muskogee nation become a citizen of the United States by Muskogee rule.

In illustration of the abridgment of the right of petition and of individual action of the citizen of the Creek nation, 5 sections of a portion of the laws of the Muskogee nation known as "civil laws" are given in full, as they are not only curious by reason of the primitive method of punishment provided, but rare because they attempt to permanently control a people.

No existing code of laws known for the government of civilized men contains such features.

These laws are enacted under a constitution of a so-called nation erected within the Republic of the United States and claiming an authority as high as that of the national government.

No state in the Union could enact or have such laws, and no doubt the Supreme Court upon appeal would at once brush them aside; but these five governments of the Five Civilized Tribes claim each to be a sovereign nation, not states, and equal to the national government of the United States in authority.

These laws have never been questioned in a United States court.

EXTRACTS.

Be it enacted by the national council of the Muskogee nation, That all meetings and conventions, and all secret movements having for their object the prevention of the execution of law, or the subversion (a) of the laws and constitution are hereby forbidden. Any citizen of this nation who shall be found guilty of the violation of the above law shall receive 100 lashes on the bare back for each such offense.

Approved August, 1872.

Be it further enacted, That no citizen of this nation shall exercise the power of petitioning (b) any foreign power upon any question, when such petition shall be in its nature subversive of the laws and constitution of this nation; and any citizen who shall be found guilty of violating the above law shall receive 50 lashes upon the bare back.

Approved August, 1872.

Be it further enacted, That no citizen of this nation shall exercise the right of attending any meeting or council called by an alien or aliens, when such meeting is intended to produce lawlessness, or is subversive (c) of the constitution and laws of this nation; and any citizen found guilty of violating the above law shall receive 50 lashes.

Approved August, 1872.

Be it further enacted, That no citizen of this nation shall be permitted to carry, knowingly, any message or dispatch to forward or promote any move having a tendency to prevent the free operation of the laws and constitution of this nation. Any person or persons found guilty of the violation of this law shall be fined the sum of \$50, which fine shall be collected by the light-horse men and paid into the national treasury; but if unable to pay, he or she shall receive 25 lashes.

Approved August, 1872.

UNITED STATES COURTS IN THE FIVE CIVILIZED TRIBES.

The United States courts authorized in Indian territory by the act of March 1, 1889, now apply to the Five Tribes and only to civil causes, and for cases in which the courts of the Five Tribes do not have jurisdiction. As to these courts the Commissioner of Indian Affairs, in 1890, writes (pp. LXXXI-LXXXIII):

Since my last annual report, by an act approved May 2, 1890 (26 Stat., 81, and page 371 of this report), Congress has created the territory of Oklahoma out of a part of what was the Indian territory, establishing therein a territorial government. By the same act the Indian territory is defined to comprise "all that part of the United States which is bounded on the north by the state of Kansas, on the east by the states of Arkansas and Missouri, on the south by the state of Texas, and on the west and north by the territory of Oklahoma." In other words, all that portion of the old Indian territory occupied by the Five Civilized Tribes and by the several tribes under the jurisdiction of the Quapaw agency, now compose the Indian territory.

The said act, in section 20 *et seq.*, proceeds to limit the jurisdiction of the United States court in the Indian territory established by the act of March 1, 1889 (25 Stats., 783), to the Indian territory as above defined, and to enlarge the authority conferred on that court by the said act, giving it jurisdiction within the limits of the said Indian territory over all civil cases therein, except those over which the tribal courts have exclusive jurisdiction.

The Indian territory is divided into three judicial divisions, and the court will be held for the first division, consisting of the country occupied by the Indian tribes in the Quapaw agency, the Cherokee country east of ninety-six degrees of longitude and the Creek country, at Muskogee, in the Creek nation; for the second division, consisting of the Choctaw country, at South McAlester, in the Choctaw nation; and for the third division, consisting of the Chickasaw and Seminole countries, at Ardmore, in the Chickasaw nation.

The court is given probate jurisdiction, and certain of the general statutes of the state of Arkansas are extended over and put in force in the Indian territory.

a Subversion used in the sense of change.

b Petitioning a foreign power includes the United States. Could a Creek Indian petition the United States in a matter contrary to the Creek laws?

c Subversive used in the sense of a change in the Creek form of government—?

It is authorized to appoint not more than three commissioners for each judicial division, who "shall be *ex officio* notaries public and shall have the power to solemnize marriages;" they shall also "exercise all the powers conferred by the laws of Arkansas upon justices of the peace within their districts."

Except as otherwise provided in the law, appeals and writs of error may be taken and prosecuted from the decisions of this court to the supreme court of the United States, in the same manner and under the same regulations as from the circuit courts of the United States.

Much good is expected to result from the enlarged jurisdiction of the court, and especially from that provision of the law which gives the judge of the "United States court in the Indian territory the same power to extradite persons who have taken refuge in the Indian territory, charged with crimes in the states or other territories of the United States, that may be now exercised by the governor of Arkansas in that state." This power properly exercised will, it is expected, have the effect to purge the territory to a great extent of the criminal element that for years is said to have found an asylum there, where pursuit and punishment seldom, if at all, found its way, to which element much of the introduction of whisky and the moral degradation of many of the Indians is due.

The Indian territory is now provided with a judicial system which reaches in its jurisdiction every manner of controversy that may arise, and the exercise of the authority of this office to interfere and settle disputes arising in that country over property rights is no longer necessary. I have therefore instructed the agent for the Union agency to refer to the proper court for remedy all parties who apply to him for settlement of civil controversies, unless the complainant is an Indian whose poverty practically excludes him from his remedy in the court, and the party against whom the complaint is made is an intruder and a trespasser.

The courts, being of limited jurisdiction, have not thus far been of the service expected. Suggestions as to changes in this law and the jurisdiction of the courts will be found herein.

Quapaw agency, Indian territory, in the matter of crimes is especially provided for.

CERTAIN CRIMES AT QUAPAW AGENCY.

The United States district of the first division of the judicial district of Kansas has heretofore had jurisdiction in the case of infamous crimes committed within the limits of the Quapaw agency, Indian territory. By the act of May 3, 1892, this jurisdiction was continued in the United States district court (by that act created) for the third division of the judicial district of Kansas.

Section 3. That all crimes and offenses against the laws of the United States hereafter committed within the counties comprising the third division of said district, and all crimes and offenses against said laws known and defined as infamous hereafter committed within the limits of the Quapaw Indian agency, in the Indian territory, and of which the courts in Kansas have heretofore had jurisdiction, shall be prosecuted, tried, and determined at the terms of the district court hereinbefore provided for: Provided, That all such crimes and offenses heretofore committed within said district shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed.

BUSINESS OF THE UNITED STATES COURT, INDIAN TERRITORY.

[From the report of the Attorney-General of the United States, 1890.]

Civil suits commenced, United States not a party, for the year ending June 30, 1890.....	593
Tried, judgment for plaintiff	85
Judgment for defendant.....	13
Amount of judgments rendered	\$73,545. 14
Dismissed	185
Suits in United States court for Indian territory, under Solicitor of the Treasury	181
Amount sued for	\$33, 250. 00
Amount reported in judgments	10, 871. 00
Amount collected	1, 161. 15
The total expenses of the court for the year to June 30, 1890.....	72, 227. 49
Some of the items were:	
Marshals' fees	18, 541. 55
Jurors	8, 951. 00
Witnesses	31, 495. 00
Support of prisoners	6, 671. 00
Bailliffs	1, 120. 00
United States attorney	2, 488. 00
Special	28. 00
Rent of court-house	1, 726. 64

The criminal business of Indian territory, where it relates to noncitizens, is tried in the United States district courts at Fort Smith, Arkansas, and Paris, Texas. The cost to the United States on account of this for the year to June 30, 1890, was enormous. The court expenses at Fort Smith, Arkansas, paid by the United States was \$242,813.41, and at Paris, Texas, \$137,454.44. There are said to be 200 deputy United States marshals at this court alone. A large population at each of these points derives an income from the arrest in Indian territory of persons charged with crime against the laws of the United States, hundreds of whom are not convicted.

The Attorney-General of the United States, in his annual report for 1890, calls attention to this.

COURTS OF CRIMINAL JURISDICTION FOR THE INDIAN TERRITORY.

In my last report attention was called to the great expense of the courts having jurisdiction of felonies in the Indian territory. I again call attention to what was there said, and especially emphasize the same with reference to the court at Paris, Texas. The necessity

for a modification of the present state of things there is twofold. It is a greivous hardship that men charged with crime, and the witnesses in support of or against such charges, shall be required to travel oftentimes many hundred miles, in order to reach the tribunal where the trial of such charges is to be had.

In the second place, the expense to the Government of maintaining such a system is simply enormous; so great, indeed, that it can not be met out of the ordinary appropriations for such purposes without using moneys necessary to conduct the ordinary business of other United States courts.

A long step toward a better state of things would be taken if the court in the Indian territory were given full jurisdiction of felonies. My information, I think, justifies the assertion that the objection that good juries can not be had in that court is without foundation.

Another evil closely related to the same subject-matter is the practice, which in the past has prevailed in some districts, of making arrests and conveying prisoners long distances and at great expense, without sufficient reason, for examination or bail, instead of taking them before the nearest commissioner. An amendment requiring prisoners to be taken before the nearest commissioner for examination or bail, unless for special reasons and on cause shown, would be a great improvement.

Any change in the existing system is stoutly resisted by interested parties in the localities above named.

UNITED STATES INDIAN AGENT.

There is a United States Indian agent for the Five Tribes, who resides at Muscogee, Creek nation. The Five Tribes are known as "Union agency." This agency is maintained in pursuance of certain treaties made many years ago, and the agent's original functions are now mostly obsolete. In the Creek nation, however, he has a quasi veto of some matters cognizable with the council. This agent has a clerk, and receives \$1,500 per year. The duties he performs under the law, while nominal in most instances, are really of the most arduous and responsible character. He is the executive arm of the nation in the Indian territory, making reports to and acting for the Department of the Interior. The salary is absurd in connection with the duties. This agent has a United States Indian police force of 40 men and officers under him, who travel about the country and assist in keeping the peace. This force is in addition to the United States marshals and the light horse or other policemen of the Five Tribes. His duties in brief are:

AGENT'S JURISDICTION.

The United States agent is kept busy trying to determine who are intruders, of the great number reported to the agency as such; then putting or trying to put them out the limits of the agency; and, lastly, trying to keep them out with a United States Indian police force, paid \$10 a month, out of which each man must furnish his own horse, saddle and bridle, pay his own expenses, and care for his family.

He decides very many civil disputes arising between United States citizens alone, and between United States citizens and Indians, acting as arbitrator, and generally supervises the intercourse with the Indians agreeably to law and the regulations of the Indian Department. It is his duty further to prevent crime when possible, and assist in the arrest and delivery of criminals, to supervise the intercourse of Indians with each other, to pay out per capita where they may be due from the government to the Indians in the limits of the agency, and to conduct such investigations as may be referred to him by the Secretary of the Interior.

FIVE-TRIBE LANDS.

The areas of land holdings of the Five Tribes is given on page 10, together with reference to the treaties, laws, or orders relating thereto.

There are no public lands in Indian territory.

The Chickasaw lands are surveyed and the outboundaries of all the lands are surveyed.

The Chickasaw and Choctaw lands are held by them in common under their treaties, viz, the Choctaws own three-fourths of the rights and interests and the Chickasaws one-fourth. The lands of four of these tribes were obtained from the United States under treaty, and patents in gross or to the nations have been issued for the same. Whether these patents are in fee is a question. Still in all of these patents, or the treaties under which they are made, there is reserved a supervising power of distribution, at least by the United States.

The lands of the Five Civilized Tribes are among the most valuable in the United States, as it is one of the best watered sections in the country.

No lands can be disposed of by the Indian tribes or individuals in Indian territory. The United States must approve or concur in title to lands in Indian territory. There are no lands coming within the provisions of the settlement or disposition laws of the United States. No act of Congress has brought any portion of the lands of this territory under the operation of any public-land laws. Persons entering Indian territory as settlers, and claiming land under any of the public-land laws of the United States, become mere intruders and trespassers.

LAND PATENTS TO FIVE-TRIBE NATIONS.

United States patents have been issued to the Cherokee, Choctaw, Chickasaw, and Creek nations for the tracts of land held by them, respectively defined by them by treaty stipulations as follows:

Patent issued December 31, 1838, to the Cherokee nation forever upon conditions, one of which is "that the lands hereby granted shall revert to the United States if the said Cherokees become extinct or abandon the same."

March 23, 1842, to the Choctaw nation, in fee-simple to them and their descendants, "to inure to them while they shall exist as a nation and live on 'it, liable to no transfer or alienation, except to the United States or with their consent." The Chickasaw lands are embraced in this patent.

August 11, 1852, to the Muskogee or Creek tribe of Indians "so long as they shall exist as a nation and continue to occupy the country hereby conveyed to them."

The title of the Cherokees, Choctaws, and Creeks to their lands is not the mere or usual Indian possessory or occupancy title, but by reason of the conditions in the patents is a base, qualified, or determinable fee, with only a possibility of reversion to the United States (*United States v. Reese*, 5 Dill., 405), and the authorities of these nations may cut, sell, and dispose of their timber, and may permit mining and grazing within the limits of their respective tracts by their own citizens. The Seminole lands are held by them under treaty of purchase from the Creeks, confirmed by the United States.

The general allotment act provides that the law of descent and partition in force in the state or territory where such lands are situate shall apply to all allotments made under said act after patents therefor have been executed and delivered; and that the laws of the state of Kansas regulating the descent and partition of real estate shall, as far as practicable, apply to all lands in the Indian territory which may be allotted under the provisions of said act.

The question of allotment in the Five Tribes is one which will probably have to be settled under special authority of Congress.

INDIVIDUAL LAND HOLDINGS IN THE FIVE TRIBES.

The lands of the five tribes are known therein as "public domain", and are held in common. Occupation of lands for any purpose gives a possessory or occupancy title which can be defended in the tribal courts. A person running a furrow with a plow around a tract of land holds all within the same, and in case it covers a road or public highway the road must be changed and pass around the tract. Abandonment of lands so held for a term, two years usually, throws it back into public domain, to be used or occupied again by a new occupant.

No titles are recorded. Occupancy titles to lands can be sold by one citizen of a nation to the other, but no such title or lands can be sold by a citizen of any of the nations to a citizen of the United States. Enormous areas of five-tribe lands are now held by individuals under this system for their own use, and these men are usually found to be opposed to allotment.

The Creeks and Cherokees are affected by these large land holdings more than the other nations. Principal Chief J. B. Mayes, of the Cherokee nation, in his fourth annual message, November 4, 1890, thus referred to the absorption of the Cherokee public lands by citizens:

The settlement of the public domain has become one of the greatest questions that concern our people. When the Cherokees were greatly a pastoral people the land was prized for the grass and cane, which furnished ample food for their stock, and the land valued on account of the natural growth it furnished for the subsistence of one's herds; then the settlement of the public domain was an easy problem. But to-day the Cherokees are an agricultural people—wheat, corn, cotton, fruits, and vegetables are produced in abundance for exportation. Large wealth is now being accumulated in tilling the soil, so much so that our valuable lands will soon be taken up and put in cultivation, thereby making permanent and happy homes. Hence, this important question presses itself upon your consideration. The strong, energetic, and wealthy class of our citizens will naturally get possession of our rich lands and monopolize the use of the same. Our forefathers in the formation of this government wisely looked to this day, and engrafted in the constitution a provision by which this monopoly could be restrained.

At this time this monopoly has grown to be an evil that demands your immediate action. The information I have from many parts of the country is that individuals have become so infatuated with the accumulation of improvements that single persons claim as many as 30 farms. The country in some sections is literally fenced up without a passway. While you should encourage every citizen to make and own good farms and become large tillers of the soil, there should certainly be a limit to this greed. You should teach the people that every one has an equal interest in this our common country, and when they properly understand and fully appreciate this great family government and estate they will then know that a few citizens cannot fence up and own the entire country.

The way in which this monopoly is greatly carried on is by our citizens entering into pretended leases of the land to noncitizens for a number of years, which is plain violation of the laws of this nation. The citizen is to get all improvements after the noncitizen gets the use of the land and in many instances after the land is nearly worn out. The citizen, as a general thing, has never invested a dollar in this transaction. I am also informed that a land-office business is being carried on between noncitizens in buying and selling these leases. You can at once see the great evil and danger that will be entailed on the country by this unscrupulous action of our own citizens. I am of the opinion that you are justified in resorting to extreme measures to relieve our country of this curse.

ALLOTMENT OF LANDS.

The allotment of 160 acres of land to a person would be possible in all of the five tribes except the Seminole. In the Seminole tribe or nation it is probable that the land holdings, viz, 375,000, will be about enough to give each Indian an allotment, and with but little surplus for sale or other disposition. In the other nations there will be large excess tracts for sale, on a basis of 160 acres to each person. The surplus will depend on the area to be allotted, and whether or not all will take alike as to acreage, men, women, and children, heads of families or not. In a Senate report, Fifty-second Congress, first session, No. 1079, can be found a table of land holdings per capita in the five tribes. It is said that a syndicate could be formed to purchase the entire tract owned by four of the five tribes at an average of \$8 to \$10 per acre. The total area at \$10 per acre would be worth more than \$150,000,000. The 55,000 (estimated) Indians, or those known as and probably to be declared Indians, as far as land holdings go, at 160 acres each, will require 8,800,000 acres of land, or at most 9,000,000, leaving a balance of about 10,785,781 acres of land to be sold, worth on an average \$10 per acre, in round numbers about \$100,000,000. In the several nations the areas and population will vary the surplus acreage. The segregation and selling of all these lands will be a very costly matter, and the amount so expended, if done by the United States, will have to be deducted from the surplus-lands money to be paid to the Indians.

FIVE CIVILIZED TRIBES TRUST FUNDS.

[Tables following pages 34, 35, 36 are from the official report of the Treasury Department and Commissioner of Indian Affairs, 1890.]

The total amount of trust funds arising from sales of lands made under treaties and laws of the United States, the property of the Five Civilized Tribes, is \$7,984,132.76, and the annual interest on this, paid by the United States, is \$413,219.01, apportioned as follows, and in the United States Treasury:

TRIBES.	Amount of principal.	Annual interest.
Total	\$7,984,132.76	\$413,219.01
Cherokee	2,625,842.37	137,469.33
Chickasaw	1,308,695.65	68,404.95
Choctaw	549,594.74	32,344.73
Creek	2,000,000.00	100,000.00
Seminole	1,500,000.00	75,000.00

The interest on the principal of these funds is placed by the United States semiannually with the United States assistant treasurer at St. Louis, Missouri, to the credit of the treasurer of each nation or tribe of the Five Civilized Tribes, and the expenditure of these funds is entirely under the control of such nation and its council.

The above \$413,219.01 received from the United States each year, together with fees from licenses and permits, enables the several tribes or nations to exist without levying a tax upon the people.

In the case of the Delaware and Shawnee Indians among the Cherokees, the interest on certain of their trust funds is paid to them direct from time to time by order of the Secretary of the Interior, and is distributed per capita.

LIST OF NAMES OF THE FIVE TRIBES FOR WHOM STOCK IS HELD IN TRUST BY THE SECRETARY OF THE INTERIOR (TREASURER OF THE UNITED STATES CUSTODIAN), SHOWING THE AMOUNT STANDING TO THE CREDIT OF EACH TRIBE, THE ANNUAL INTEREST, THE DATE OF THE TREATY OR LAW UNDER WHICH THE INVESTMENT WAS MADE, AND THE AMOUNT OF ABSTRACTED BONDS FOR WHICH CONGRESS HAS MADE NO APPROPRIATION, AND THE ANNUAL INTEREST ON THE SAME.

TRIBE.	Treaty or act.	STATUTES AT LARGE.		Amount of stock.	Annual interest.	Amount of abstracted bonds.	Annual interest.
		Vol.	Page.				
Cherokee national fund....	Dec. 29, 1835	7	478	\$534,638.56	\$30,958.31	\$63,000.00	\$4,080.00
Cherokee school fund....	Feb. 27, 1819	7	195	62,854.28	3,841.26	15,000.00	900.00
	Dec. 29, 1835	7	498				
Cherokee orphan fund....	Dec. 29, 1835	7	478	22,223.26	1,333.40	.....	.....
	Feb. 14, 1873	17	462				
Chickasaw national fund	Oct. 20, 1872	7	381	347,016.83	20,321.01	.....	.....
	May 24, 1834	7	450				
Choctaw general fund	June 20, 1878						
Choctaw general fund	Jan. 17, 1837	7	605	450,000.00	27,000.00	.....	.....
Delaware general fund (a) ..	May 6, 1854	10	1048	109,283.90	7,087.03	.....	.....

(a) Delawares with the Cherokees.

STATEMENT OF STOCK ACCOUNT, EXHIBITING IN DETAIL THE SECURITIES IN WHICH THE FUNDS OF EACH TRIBE ARE INVESTED AND NOW ON HAND, THE ANNUAL INTEREST ON THE SAME, AND THE AMOUNT OF ABSTRACTED BONDS NOT PROVIDED FOR BY CONGRESS.

STOCKS.	Per cent.	Original amount.	Amount of abstracted bonds not provided for by Congress.	Amount on hand.	Annual interest.
CHEROKEE NATIONAL FUND.					
State of Florida	7	\$13,000.00	.....	\$13,000.00	\$910.00
State of Louisiana	6	11,000.00	.....	11,000.00	660.00
State of Missouri	6	50,000.00	\$50,000.00	.....	.....
State of North Carolina	6	34,000.00	13,000.00	21,000.00	1,260.00
State of South Carolina	6	118,000.00	.....	118,000.00	7,080.00
State of Tennessee	6	5,000.00	5,000.00	.....	.....
State of Tennessee	5	125,000.00	.....	125,000.00	6,250.00
State of Virginia	6	90,000.00	.....	90,000.00	5,400.00
United States issue to Union Pacific Railroad, eastern division	6	156,638.56	.....	156,638.56	9,398.31
Total		602,638.56	68,000.00	534,638.56	30,958.31
CHEROKEE SCHOOL FUND.					
State of Florida	7	7,000.00	.....	7,000.00	490.00
State of Louisiana	6	2,000.00	.....	2,000.00	120.00
State of North Carolina	6	8,000.00	8,000.00	.....	.....
State of South Carolina	6	1,000.00	.....	1,000.00	60.00
State of Tennessee	6	7,000.00	7,000.00	.....	.....
State of Virginia (Chesapeake and Ohio Canal Company)	6	1,000.00	.....	1,000.00	60.00
United States issue to Union Pacific Railroad, eastern division	6	51,854.28	.....	51,854.28	3,111.26
Total		77,854.28	15,000.00	62,854.28	3,841.26
CHEROKEE ORPHANS' FUND.					
United States issue to Union Pacific Railroad, eastern division	6	.....	.....	22,223.26	1,333.40
CHICKASAW NATIONAL FUND.					
State of Arkansas	6	.....	.....	168,000.00	10,080.00
State of Maryland	6	.....	.....	8,350.17	501.01
State of Tennessee	6	.....	.....	104,000.00	6,240.00
State of Tennessee	5½	.....	.....	66,666.66½	3,500.00
Total .....		.....	.....	347,016.83½	20,321.01
CHOCTAW GENERAL FUND.					
State of Virginia, registered	6	.....	.....	450,000.00	27,000.00
DELAWARE GENERAL FUND. (a)					
State of Florida	7	.....	.....	53,000.00	3,710.00
State of North Carolina	6	.....	.....	7,000.00	420.00
United States issue to Union Pacific Railroad, eastern division	6	.....	.....	49,283.90	2,957.03
Total .....		.....	.....	109,283.90	7,087.03

a Delawares with Cherokees.

STATISTICS OF INDIANS.

STATEMENT SHOWING THE PRESENT LIABILITIES OF THE UNITED STATES TO INDIAN TRIBES UNDER TREATY STIPULATIONS.

NAMES OF TREATIES.	Description of annuities, etc.	Number of installments yet unappropriated, explanations, etc.	Reference to laws, Statutes at Large.	Annual amount necessary to meet stipulations, indefinite as to time, now allowed, but liable to be discontinued.	Aggregate of future appropriations that will be required during a limited number of years to pay limited annuities incidentally necessary to effect the payment.	Amount of annual liabilities of a permanent character.	Amount held in trust by the United States on which 5 per cent is annually paid, and amounts which, invested at 5 per cent, produce permanent annuities.
Creeks.....	Permanent annuities.....	Treaty of August 7, 1790.....	Vol. 7, p. 36, § 4.....			\$1,500.00	
Do.....	do.....	Treaty of June 16, 1802.....	Vol. 7, p. 69, § 2.....			3,000.00	
Do.....	do.....	Treaty of January 24, 1826.....	Vol. 7, p. 287, § 4.....			20,000.00	\$400,000.00
Do.....	Smiths, shops, etc.....	do.....	Vol. 7, p. 287, § 8.....			1,110.00	22,200.00
Do.....	Wheelwright, permanent.....	Treaty of January 24, 1826, and August 7, 1856.....	Vol. 7, p. 287, § 8; vol. 11, p. 700, § 5.....			600.00	12,000.00
Do.....	Allowance, during the pleasure of the President, for blacksmiths, assistants, shops, and tools, iron and steel wagon-maker, education, and assistants in agricultural operations, etc.....	Treaty of February 14, 1833, and treaty of August 7, 1856.....	Vol. 7, p. 419, § 5; vol. 11, p. 700, § 5.....	\$840.00 270.00 600.00 1,000.00 2,000.00			
Do.....	Interest on \$200,000 held in trust, sixth article treaty August 7, 1856.....	Treaty of August 7, 1856.....	Vol. 11, p. 700, § 6.....			10,000.00	200,000.00
Do.....	Interest on \$275,168 held in trust, third article treaty June 14, 1836, to be expended under the direction of the Secretary of the Interior.....	Expended under the direction of the Secretary of the Interior.....	Vol. 14, p. 786, § 3.....			13,758.40	275,168.00
Seminoles.....	Interest on \$500,000, eighth article of treaty of August 7, 1856.....	\$25,000 annual annuity.....	Vol. 11, p. 702, § 8.....			25,000.00	500,000.00
Do.....	Interest on \$70,000, at 5 per cent.....	Support of schools, etc.....	Vol. 14, p. 757, § 3.....			3,500.00	70,000.00
Choctaws.....	Interest on \$390,257.92, articles 10 and 13, treaty of January 22, 1855.....		Vol. 11, p. 614, § 13.....			19,512.89	390,257.92
Do.....	Permanent annuities.....	Second article treaty of November 16, 1805, \$3,000; thirteenth article treaty of October 18, 1820, \$600; second article treaty of January 20, 1825, \$6,000.....	Vol. 7, p. 99, § 2; vol. 11, p. 614, § 13; vol. 7, p. 213, § 13; vol. 7, p. 235, § 2.....			9,600.00	
Do.....	Provisions for smiths, etc.....	Sixth article treaty of October 18, 1820; ninth article treaty of January 20, 1825.....	Vol. 7, p. 212, § 6; vol. 7, p. 236, § 9; vol. 7, p. 614, § 13.....			920.00	
Chickasaws.....	Permanent annuity in goods.....		Vol. 1, p. 619.....			3,000.00	
Shawnees (a).....	Permanent annuity for education.....	August 3, 1795; September 29, 1817.....	Vol. 7, p. 51, § 4.....			3,000.00	60,000.00
Do.....	Interest on \$40,000, at 5 per cent.....	August 3, 1795; May 10, 1854.....	Vol. 10, p. 1056, § 3.....			2,000.00	40,000.00

a Shawnees with Cherokees.

STATEMENT OF FUNDS HELD IN TRUST BY THE GOVERNMENT IN LIEU OF INVESTMENT

TRIBES AND FUND.	Date of acts, resolutions, or treaties.	STATUTES AT LARGE.			Amount in the United States Treasury.	Annual interest at 4 and 5 per cent.
		Vol.	Page.	Sec.		
Choctaws.....	Jan. 20, 1825	7	236	9	\$390,257.92	\$19,512.00
	June 22, 1855	11	614	3		
Choctaw orphan fund.....	Sept. 27, 1839	7	337	19	16,608.04	830.40
Choctaw school fund.....	Apr. 1, 1880	21	70		49,472.70	2,473.63
Choctaw general fund.....	do.....	21	70		47,514.00	2,375.70
Creek general fund.....	do.....	21	70		2,000,000.00	100,000.00
Creeks.....	Aug. 7, 1856	11	701	6	200,000.00	10,000.00
	June 14, 1866	14	786	3	275,168.00	13,758.40
Cherokee asylum fund.....	Apr. 1, 1880	21	70		64,147.17	3,207.37
Cherokee national fund.....	do.....	21	70		796,310.90	39,815.55
Cherokee orphan fund.....	do.....	21	70		337,456.05	16,872.80
Cherokee school fund.....	do.....	21	70		732,410.81	36,020.84
Chickasaw national fund.....	do.....	21	70		959,078.82	47,983.94
Chickasaw incompetent fund.....	do.....	21	70		2,000.00	100.00
Delaware general fund (a).....	do.....	21	70		753,894.64	37,694.73
Delaware school fund.....	do.....	21	70		11,000.00	550.00
Seminole general fund.....	do.....	21	70		1,500,000.00	75,000.00
Seminoles.....	Aug. 7, 1856	11	702	8	500,000.00	25,000.00
	May 21, 1866	14	757	3	70,000.00	3,500.00
Shawnees (b).....	May 10, 1854	10	1056	3	40,000.00	2,000.00
Shawnee fund.....	Apr. 1, 1880	21	70		1,985.65	90.28

a Delawares with the Cherokees.

b Shawnees with the Cherokees.

REVENUES OF THE FIVE CIVILIZED TRIBES.

The interest on trust funds in the hands of the nation, receipts from licenses, permits, rents from leased lands, and intruder permits, are the main sources of revenue of the governments of the Five Civilized Tribes. It was found impossible to obtain data as to the four last items from the Five Tribes. In some of them no publication is ever had of actual receipts and disbursements.

In illustration of the method of reporting on Five-Tribe financial matters, the following is from the message of Governor William L. Byrd, of the Chickasaw nation, September 4, 1891:

The receipts of the treasury for the fiscal year are \$221,568.90, and the disbursements have been \$145,048.78, leaving a balance in the treasury of \$76,520.12.

There are no taxes, direct or otherwise, paid by citizens of the nations, and no listing or appraising of real or personal property for taxation. It is a land without taxation and corresponding lack of enterprise and development. The citizens are thus content with almost any government, and power is easy to maintain. Lands held in common, the improvements and personal property only being liable to levy and sale, and an assessment would be valueless. No estimate can therefore be made of property values in these nations.

An idea of the irregular methods prevailing in the Five Tribes in revenue matters can be had from the following from the fourth annual message of J. B. Mayes, principal chief of the Cherokee nation, 1890:

An appointment of a revenue officer and a proper handling of our revenue would certainly procure funds sufficient to meet largely the expenses of our government. Our revenue system is a poor one and badly managed. A per cent is taken out of it by the clerks, sheriffs, solicitors, and after it is turned in the treasurer takes out his 10 per cent, which leaves the nation but little. A government with the resources of the Cherokee nation is certainly poorly managed to get only the pitiful sum now received.

CONDITION OF THE FIVE TRIBES, 1890.

The condition of the Five Tribes of Indian territory, as shown by the census of 1890, personal investigation, and the reports of special agents, shows a self-sustaining, fairly industrious, and law-abiding people. They live in a land without assessments or taxes. It is unfair to judge these people by the standards of Anglo-Saxon civilization, and the civilization of the Five Tribes must be taken with many limitations. The term "civilized" was originally applied to them in contradistinction to the life of the wild Indian tribes, but as a whole their condition in nowise approaches the civilization of the American or Anglo Saxon. The Indians of the Five Civilized Tribes, or a large number of them, are quarter and half breeds; in fact, the most of them are white men in features and language. These are generally progressive; but the most obstinate opponents of change are some who join to prejudice the misfortune, in this view, of an educated control of their fellow Indians.

The colored element is frequently more energetic than the Indian or half-breed, notably so in the Creek nation.

The Five Civilized Tribes have no written history. No other Indians in the United States have had such vicissitudes or have had such material for history, but they do not seem to have cared to preserve these data. The major portion of them still use the Indian language. The Cherokees have an alphabet invented by a Cherokee, George Guess. The Creeks have an alphabet invented by the missionaries who lived among them, using 19 letters of the 26 in the English alphabet, to which they give a different sound. Their books and laws are printed in it. More than one-fourth of all the treaties and laws for Indians since 1815 has been for the Five Civilized Tribes. They have occupied a large share of official time since 1800. They are called nations and occupy separate areas where some minor divisions are called districts and some counties. With the exception of the Seminoles the nations now have written or printed constitutions and laws. They have schools of their own and charities and churches in profusion. Missionaries of the various Protestant churches have been with them for more than 60 years. Much of their progress is due to a large black population in the several nations. The greater portion of these blacks were at one time slaves, and they are now the laborers of the Five Tribes.

The prominent feature of their schools promising much for the future is that their school books are in English, and the instruction of course in the English language. Newspapers are plenty and post-offices numerous.

The Indians of the Five Civilized Tribes illustrate a well known proposition in American Indian civilization: That where the Indian has been left or placed on arable lands and on which a white man could get a living he has also obtained it. The Five Civilized Tribes in Indian territory have never been actually under the control of the United States, and so have never been within its several Indian policies. Consequently they are fairly well advanced, and are steadily increasing in number, wealth, and intelligence.

CIVILIZATION OF THE FIVE TRIBES.

The civilization of the Five Tribes, as far as made, has not been accomplished without a vast expenditure of time and money by white people. No Indians in the United States have received such care from the whites or have been aided so much by the United States. This trust-fund interest paid them by the United States has amounted to many millions. No figures are at hand to verify this, but \$25,000,000 would be a small estimate.

Considering the time, money, and energy expended on the Five Tribes, and considering their progress, it is fair to say that any equal number of Atlantic coast or Middle State Indians, handled and aided as they have been, and with the same surroundings and admixture of whites, would have been just as far advanced as they are. One great aid to them was their negro slave labor, and since the war the freedmen.

In 1836 Albert Gallatin stated that the number of plows in the Five Tribes answered for the number of able-bodied negroes. The colored people in the Five Tribes will work. The Creek nation is an alert and active one, which is largely due to the colored element in it, which fairly controls it. In the Choctaw nation it is death for an Indian to intermarry with a colored person. In any of the Five Tribes, where the colored people have a fair chance, there is a perceptible progress due to their being there. This is not intended to reflect on the white Indians, for such in the Five Tribes are fairly progressive. In a country where land is virgin, fertile, and its use is to be had for the mere occupancy, there is but small inducement for careful or close farming. Poor roads prevent marketing crops; so cattle-raising is a better occupation than farming. Much of the Five Tribes' farming is merely for a livelihood. Crops of corn are frequently left to rot because of the high rate of transportation to a market.

Individual ownership of the land, with the bustle of Anglo-Saxon life about, will aid the citizens of the Five Tribes to become good farmers, and allotment to specific tracts of land will work out much of the present problem of lack of enterprise.

FIVE-TRIBE EDUCATION.

While great and constant efforts are made towards progress in education and steady improvement is manifest, it must be understood that the education of the ordinary day or neighborhood school is of a limited kind. School terms consist of about four to five months of the year. Much of the best and highest education comes from efforts entirely without the Five Tribes. Whether they would have advanced as much as they have in education without the aid of the many whites who have aided and do now aid them, is a question.

NONCITIZEN EDUCATION.

The noncitizen element in the Five Tribes has a few schools sustained by private contributions and subscriptions and fees. Many of the more wealthy noncitizens send their children to schools in the adjoining states. A general educational system will come, of course, with a territorial or state government.

With the freedman question settled, their lands allotted, and the surplus acres, where there are any, sold for their benefit, these people are well fitted for statehood. Once the freedman and land questions are out of the way a state could be formed, and the small actual Indian population would be absorbed into and hardly seen or noticed in the white population which would soon utilize and make useful the splendid lands and resources of the territory.

MISCELLANEOUS.

The Five Civilized Tribes all wear citizen clothing. Eighty or ninety per cent of them practice the white man's ways and have their customs. Now and then a man can be found with an Indian pipe, and sometimes one wears moccasins, and shawls are worn as blankets. The Creeks and the Choctaws still keep up their ball play, and old Indian-dances are still held in some of the nations. Some of the individuals of the Five Tribes are still classed as old-time Indians, and maintain a sturdy adherence to the old Indian faith. Medicine men are still to be found with them. Even among the Delawares in the Cherokee nation can be found the survival of many old Indian dances and customs.

No distilled spirits are supposed to be sold in the Five Tribes. In 1890 to June 1, the distilled spirits used in the arts, manufactures, and for medicine in the Five Tribes, as shown by returns from retail apothecaries, were: ordinary gallons of whisky, 20; ordinary gallons of brandy, 16; ordinary gallons of gin, 5. Liquors are smuggled in, sold, and drunk. One most extraordinary article of distillation is used in the eastern part of the territory, known as "white mule." It is a villainous moonshine whisky distilled in the Ozark mountains of Arkansas. Its effects probably cause one-half of the crimes in that portion of the territory.

Roads are poor and bridges across streams few and far between. It is policy in many of the controlling spirits of the various nations to keep all enterprise in the background. Five Tribes' politics are in some cases decided improvements in chicanery over the political ways of the white brother. Viva voce voting controls the masses.

The party machinery in use in the Cherokee nation, referred to in detail in the report of Special Agent Fletcher Meredith, is novel and in some features seems to be more advanced than the methods in use among the whites. The "barbecue" and "still hunt" are middle-state methods. The method of viva voce voting is an old system used chiefly to ascertain how people vote and probably aids those in power to retain it, as a secret ballot would probably be utilized at once to change the existing order of government in all of the nations.

HOW THE CHEROKEES VOTE VIVA VOCE AT AN ELECTION.

The Muldrow Register of August 15, 1893, thus describes a poll at the recent Cherokee national election:

The election was held on Monday last in "Jacobs Grove" and was in this manner. The judges or inspectors of the election, four (4) in number, were seated around a table under a shady tree. The space of fifty feet all around this table was guarded, no person being allowed to approach within the limited space. When any person wished to vote they approached the table, and told the name of the man of their choice and for whom they wished to record their names, repeating each name until all the candidates on the list for office were voted for in this manner.

Of course, after the polls are closed the result is all summed up, and there is not much chance of going back on the returns.

TOWN-SITE HOLDINGS.

There is no law for town sites in the Five Tribes, and no authority to incorporate one. Persons, other than citizens, building houses in towns or cities do so at their own risk. They usually pay a yearly rental to the Indian citizen who claims the land on which the town or village is for the privilege. Many of the towns are built adjacent to railroads and near the strips of land which they own, 200 feet wide and 2,000 feet in length, where such towns or stations are located. A town-site act is one of the serious demands for Indian territory.

LICENSES.

Licenses to trade in the Five Tribes were formerly issued by the Secretary of the Interior; now, in addition, they are issued by authority of the several tribes or nations.

CITIZENSHIP IN THE FIVE TRIBES.

Citizenship in the Five Tribes is regulated by tribal laws, and the right to make such laws has been conceded them by the United States. Freedmen and other negroes become citizens of some of the tribes under said laws. The United States urged and then directed much of the legislation as to the freedmen.

INDIANS IN THE FIVE TRIBES.

In the towns of the Five Nations, even the Indian towns, pure Indians are few and far between. In the country some are met. Colored Indians, especially in the Creek nation, can be found in abundance, and some speaking only the Creek language. In most instances the Indians of the Five Tribes are largely one-half and one-fourth bloods, and resemble white men more than Indians. The illustrations herewith in the bulletin are typical and show comparatively few Indians. One constantly hears the remark from travelers in the Indian territory, "Why, where are the Indians?"

In the rural districts the Indians are generally found; but many of these with their backs to one, or in the fields, resemble white men, and look like the average citizens of Arkansas and Missouri. The United States in settling Five Tribes' questions will meet a shrewd and cunning people—a people amply able to take care of themselves.

LABORERS IN THE FIVE TRIBES.

The freedmen and colored people are among the earnest workers in the Five Tribes. The Creek nation is the best example of colored progress. The principal chief, virtually a colored man, is a gentleman and a man of culture. He comes of a famous family in Creek annals. His name is Lequest Choteau Perryman. He was born in the Creek or Muskogee nation, Indian territory, March 1, 1838; educated at Tallahassee mission of the same nation; enlisted in the Union Army in Kansas, November, 1862, and was mustered out as sergeant-major of the First Regiment Indian Home Guards, 1865. He served as district judge of the Coweta district, Muskogee nation, six years; was elected to council and served thirteen years in said legislature; elected principal chief of said nation, and inaugurated December 5, 1887, for the term of four years.

CLANS.

Clans in towns are still preserved with the Creeks and among the Delawares with the Cherokees, and are noted also with the Seminoles.

CREEK TOWNS.

The following account of the Creek towns in the Creek nation, by Governor L. C. Perryman, principal chief of the Creek nation, explains the map facing this page:

TULSA, CREEK NATION, INDIAN TERRITORY, September 29, 1891.

It is quite difficult to locate all of the Creek towns now on the map of the Muskogee nation, at least some of them, as some of the citizens of the different towns are scattered all over the nation, but I have done so as near as I can. The general map you send me is not correct (old map of 1882). To explain now why our people live in this way [in towns] would be a hard thing to do. These towns, as they are called, have existed from time immemorial with the Creeks. We have had more towns, but some are now extinguished. The system grew out of the necessity of reaching our people quickly, and thus give the central control knowledge of the wants of our people.

It would take a volume to explain to you the authority each town used to have under the old customs, each having a king and warriors; that is the power each then had, which aggregated powers made the old Creek Confederacy, which is now the Creek or

Muskogee nation. Those fires in each town are still to be seen by seeing representatives of the towns in our councils. This town system is based upon communism. As long as the council represents towns, the holding of lands by citizens of the nation in common will always be the rule, and I think it is the best way of holding lands for the poor class of citizens in any country. Our council, which meets at Okmulgee, consists of two bodies, the House of Kings and the House of Warriors. The members are the kings and warriors of the towns. No real patriotism can exist among our people, except as it comes direct from the traditions of these several towns.

TOWNS.

1. Coweta.	17. Oewohka.	35. Osochee.
2. Broken Arrow.	18. Tharthoculka, or Fishpond.	36. Oeokofke.
3. Chéyaha.	19. Tharprakko (Tharphlocco).	37. Okcharye.
4. Locharpoka.	20. Tokebachée.	38. Ocheyapofa.
5. Conchartey.	21. Thewahley.	39. Talwathakko.
6. Hechtey.	22. Kialiga (Kialigee).	40. Talartoga (Tulladegree).
7. Cussehta.	23. Tokpafka.	41. Hutschechapa (Hutschechuppa).
8. Taskeke.	24. Talmochassee (Talmochussee).	42. Quassartey, 1st.
9. Tulsa (Canadian).	25. Yoofula, 1st (Eufaula).	43. Quassartey, 2d.
10. Tulsa (Little River).	26. Yoofula, 2d (Eufaula).	44. Yoochee (Euchee).
11. Noyarka (Nuyarka).	27. Pakantalahassee.	45. Big Spring.
12. Alfaske (Okfaske).	28. Hillarbe.	46. Arkansas. Colored. Newly organized.
13. Arbekoche.	29. Chartarksofka.	47. North Fork. Colored. Newly organized.
14. Arbeka.	30. Kichopatake.	48. Canadian. Colored. Newly organized.
15. Arbeka, 2d.	31. Artussee.	
16. Asselarnape, or Grunlief (Ussalarnuppee, or Green Leaf).	32. Tallahossoche (Tallahassoche).	
	33. Allabama (Alabama).	

CRIMES.

The crimes committed by the citizens of the Five Tribes are usually promptly punished. By the treaty of 1866 Indian courts alone punish Indian criminals. The offenses are generally less than felonies and are comparatively few. Few murders are committed by citizens. The intruder or noncitizen population it is said contributes 80 per cent of the murders. Recently, at Fort Smith, Arkansas, the ninety-sixth murderer in that jurisdiction was hanged. More than 60 of them were stated as being from Indian territory.

Indian citizens are executed by their own people in the several nations. In the Five Tribes the proportion of crimes committed is as small as in any other community of like population in the west. Ten men, it is stated, have been executed in the Cherokee nation within the past twenty years.

When an Indian is condemned to death by shooting, he is given a period, thirty days usually, in which to go home and fix up his affairs. He goes without guard or control, arranges all his earthly matters, bids his friends or family good-bye, returns at the time appointed, and is promptly shot. Not one man of the many so permitted to go home after conviction, up to 1890, has ever failed to appear for execution.

EXECUTION BY SHOOTING.

The following account of an execution by shooting in the Seminole nation, sent out by the Associated Press, is of interest:

AN INDIAN EXECUTION.—TWO BRAVES, WITH LOADED RIFLES, ACT AS THE EXECUTIONERS.

TAHLEQUAH, INDIAN TERRITORY, July 8, 1891.

At Wewoka, the capital of the Seminole nation, Monday, Umost, a full-blood Seminole, was executed. Just a month ago Umost engaged in a quarrel with a fellow-Indian, and, after knocking him senseless with a hoe, literally chopped his body to pieces with it. He was tried by the Seminole council, convicted and sentenced to death.

The penalty was inflicted at noon on the council grounds. Umost was led to a low, flat rock, and a bandage was tied over his eyes. He was not bound in any way, but sat erect, with his hands resting in his lap, and as much unconcerned as if his photograph was about to be taken. Two of the braves were selected by lot as the executioners. They were given loaded rifles, and at the word each sent a bullet into the condemned man's heart. The only evidence that Umost had been shot was in a painful raising of the shoulders. The executioners quickly ran to him and laid him at full length on the ground, where he expired in two minutes. His body was buried by the council on the edge of the council grounds.

Another Seminole shooting was that described in the public press, June 4, 1892:

ARDMORE, INDIAN TERRITORY, June 3, 1892.

Albert Rennie, United States commissioner, of this city, who, for a time, was stationed at Wewoka, the capital of the Seminole nation, relates an inhuman and barbarous incident connected with an execution at Wewoka. It is the custom to execute those convicted of a capital crime by shooting. The executioners were two members of the national light horse, detailed for the purpose. In the instance referred to, the victim was led to the rock upon which these judicial killings take place.

The two light-horse-men executioners were too drunk to hit a barn, and their shots but wounded the human target. They left the ground at once, and the negro brought the rough box coffin to the side of the wounded man, who protested against the proceedings as vigorously as his strength would permit. Assisted by two other negroes the body was put in the box and an effort made to nail the lid, but the victim pushed and kicked against it so that the task was only accomplished by two of the men sitting on the lid while the other drove the nails with the utmost nonchalance. The interment was then made.

LAW PROVIDING A METHOD FOR CITIZENS OF THE FIVE TRIBES TO BECOME CITIZENS OF THE UNITED STATES.

The act organizing the territory of Oklahoma and defining the boundaries of Indian territory, contained a section under which members of the Five Tribes could become citizens of the United States. To June 1, 1892, no person had taken advantage of this law.

Section 43. That any member of any Indian tribe or nation residing in the Indian territory may apply to the United States court therein to become a citizen of the United States, and such court shall have jurisdiction thereof, and shall hear and determine such application, as provided in the statutes of the United States; and the Confederated Peoria Indians residing in the Quapaw Indian agency who have heretofore or who may hereafter accept their lands in severalty under any of the allotment laws of the United States, shall be deemed to be, and are hereby, declared to be citizens of the United States from and after the selection of their allotments, and entitled to all the rights, privileges, and benefits as such, and parents are hereby declared from that time to have been and to be the legal guardians of their minor children without process of court: *Provided*, That the Indians who become citizens of the United States under the provisions of this act do not forfeit or lose any rights or privileges they enjoy or are entitled to as members of the tribe or nation to which they belong.

COLORED AND FREEDMEN IN THE FIVE TRIBES.

The freedmen, once slaves of the Five Tribes, are a subject of much interest in connection with the final settlement of the land question in the Five Tribes. The Five Tribes, except the Seminoles, all owned slaves prior to and during the war. These were freed by the proclamation of emancipation, and this was enforced and confirmed after much protest, by the treaty of 1866. In 1860, the total number of slaves held by the Five Tribes was 7,359. The Seminoles held no slaves in Indian territory, but they intermarried with colored people. Since the war there has been a very large increase in the colored population of the Five Tribes, by emigration from the old slave states adjacent. The freedmen question and colored question in the Cherokee, Choctaw, and Chickasaw nations will have to be properly and vigorously settled by the United States. The equities and rights of these people in the lands of the Five Tribes and as to citizenship can best be secured in this way.

The colored population of the Five Tribes, which includes the freedmen, in 1890 was as follows: Approximate— with the Cherokees, 5,127; Chickasaws, 3,676; Choctaws, 4,406; Creeks, 4,621; Seminoles, 806; total, 18,636. In this connection the following from the introduction to the report on the Eighth Census, 1860, p. xv, is of value:

INDIAN SLAVERY.

A new element has been developed by the present census, viz, that of the statistics of negro slavery among the Indian tribes west of Arkansas, comprising the Choctaw, Cherokee, Creek, and Chickasaw nations; also the number of white and free colored population scattered throughout these tribes; all of which, with an estimate, from the most reliable sources, of the whole number of aborigines, will be found appended to the population tables. By reference to this table it will appear that the Choctaws held 2,297 negro slaves, distributed among 385 owners; the Cherokees, 2,504, held by 384 owners; the Creeks, 1,651, owned by 267 Indians; and the Chickasaws, 917, to 118 owners. As, under all the circumstances of slavery everywhere, the servile race is very unequally distributed, so will appear to be the case with the Indian tribes. While one Choctaw is the owner of 227 slaves, and ten of the largest proprietors own 638, averaging nearly 64, the slaves average about 6 to each owner of slaves in that tribe, while the Indians number about 8 to 1 slave.

Among the Cherokees the largest proprietor holds 57 slaves; the ten largest own 353, averaging a little over 35, and the number to each holder averages a little more than a half per cent more than with the Choctaws, while the population of Indians in the tribe to slaves is about 9 to 1. Among the Creeks 2 hold 75 slaves each; 10 own 433, while the ratio of slaves to the whole number of Indians varies but little from that with the Cherokees. The largest proprietor among the Chickasaws holds 61 slaves; ten own 275, or an average of 27½, while the average is nearly 8 to each owner in the tribe, and 1 to each 5½ Indians in the tribe. It thus appears that in those tribes there are nearly 8 Indians to each negro slave, and that the slaves form about 12½ per cent of the population, omitting the whites and free colored. The small tribe of Seminoles, although, like the tribes above mentioned, transplanted from slaveholding states, holds no slaves, but they intermarry with the colored population. These tribes, while they present an advanced state of civilization, and some of them have attained to a condition of comfort, wealth, and refinement, form but a small portion of the Indian tribes within the territory of the United States, and are alluded to on account of their relation to a civil condition recognized by a portion of the States, and which exercises a significant influence with the country at large.

INTRUDERS AND CITIZENS.

The class called intruders includes those residing in the Five Tribes who are not recognized as citizens by the laws or authorities of said tribes, or who do not pay the annual license fee. The question of citizenship will have to be passed upon by Congress in final settlement. The variety of citizens in these tribes is large.

TRIBAL CITIZENSHIP.

The citizens of the tribes or nations are composed of many classes and grades. The Cherokee nation will illustrate the others. Her citizens are full-blood Cherokees; half-blood Cherokees to one sixty-fourth Cherokees and white stock; Cherokee crossed on Creek, on Choctaw, on Chickasaw, etc., and on the African stock; adopted citizens of the Cherokee nation—full-blood Shawnees, full-blood Delawares, full-blood Creeks, full-blood white men, full-blood African, and the same stock variously blended with Cherokees and with other races, including Creeks, Choctaws, Osages, and Chickasaws.

There is a large class of citizens of these nations needing attention badly at the hands of the Government—those claiming to be citizens of the several Indian nations, but denied by the nations. This class is not subject to United States law, because they submit affidavits that they are Indians. The Indian courts refuse to take cognizance of them, because they declare them to be citizens of the United States who are pretending fraudulently to be Indians in order to use and enjoy Indian land, timber, and grass without paying tax.

The United States has formally agreed by treaty to keep intruders out of the Five Tribes. Having agreed to this the right follows to judge as to who are intruders. The Five-Tribe laws declare who are, but these may be unrighteous and unjust. In this view the United States has the power of decision. Almost every year the Secretary of the Interior is called upon to expel "intruders" in one or the other of the Five Tribes. The United States Indian agent at Muscogee issues a proclamation, a large number of men are employed to assist in expelling the intruders, and the movement ends in a farce. Frequently this power has been used in some of the nations to compel persons who have not taken out permits (usually for a year) to pay for them. This, of course, is in aid of revenues to the nation. This statement is true. In view of the fact that recently, when the United States Indian agent moved into the Chickasaw nation with a posse, the intruders, who were not licensed, quietly paid the fee, produced the receipt from the Chickasaw nation and the war was over. It is a costly proceeding, this, to use the power of the United States to collect Five-Tribe licenses. The following is the form of proclamation warning intruders out of a tribe or nation. This one could well be entitled "A process for collecting taxes for the Chickasaw nation." These were posted on trees, houses, or fences in the Chickasaw nation.

NOTICE.

To all persons who reside in the Chickasaw nation contrary to law, or without authority of law:

Notice is hereby given to citizens of the United States who reside in the Chickasaw nation that they must obtain their permits in the manner and within the time prescribed by the laws of the said Chickasaw nation, and must comply with all laws of the said nation.

Now, under and in accordance with the instructions from the Commissioner of Indian Affairs, notice and warning is hereby given to all persons who reside in the Chickasaw nation contrary to law, or without authority of law, that they must remove, with their movable property, from within the Chickasaw nation and the Indian territory by or before the 1st day of November, 1890; and that any crop or crops that may be planted by them in the said Chickasaw nation will be so planted at their own risk.

LEO E. BENNETT,
United States Indian Agent.

UNION AGENCY, July 21, 1890.

The Five-Tribe authorities are very earnest in opposition to intruders remaining in the nations. The serious difficulty is that they are now so numerous that the present United States Army would be inadequate to remove them. The following is from the fourth annual report of J. B. Mayes, principal chief of the Cherokees:

INTRUDERS, 5,333.

This question has become sickening to the pride of every Cherokee who has a bona fide interest in this nation, and is enough to arouse his indignation and vengeance, after having endured the burden, hardships, and expense of owning and holding this country for themselves and posterity, to be compelled to sit quietly and see a herd of vagabonds organizing themselves into a "citizenship association," with a fund placed by it in the hands of unscrupulous lawyers to carry out one of the boldest robberies ever perpetrated on a people. This lawless class of marauders, who have come from the four corners of the earth, have fastened themselves upon our rich soil, and claim to be Cherokees by blood, appealing to the United States Government for protection in carrying out this infamous scheme. It makes no difference from what country he hails; if he only has the initiation fee of five dollars, he is duly ingrafted into said association and then instructed by the leader to make improvements on Cherokee land. How wonderfully strange that the officers of the United States Government, whose duty it is to remove them, after knowing all the facts connected with this fraud, will listen to their plea and afford them protection. While recently in Washington, the Commissioner of Indian Affairs gave me his sacred promise that he would see that they were removed, but many means and ways are used to defeat this purpose.

The matter passes through many hands; many formalities gone through with, and finally the proper officer loses sight of it; thereby this outrage goes on unsettled. This class of persons have lived here for years, and in many instances accumulated fortunes by the use of our soil and the sale of our timber, without paying one cent for the support of the government, and at the same time ignoring every statute on our law book.

Now I recommend that you make a last appeal to the government for their removal, and if this effort should prove futile, that you provide for their removal at the hands of the proper officers of this nation. It would be better for the nation to suffer in the act of removing the intruder than to be both insulted and robbed. Self-protection is the first law of nature. We do not deserve to own homes if we are not willing to make a sacrifice in protecting them. The Cherokee nation has for the last twenty years begged, prayed, and plead with the Government to carry out its treaty agreements for the removal of intruders, but nothing done, and they are daily coming into our country and settling on our soil.

CONCLUSIONS AND SUGGESTIONS.

TOWN-SITE ACT.

Congress could pass a town-site act for the Five Tribes, forcing their consent, if necessary, to the end that valuable accrued property rights shall be protected. Millions of dollars are now invested by citizens of the United States in the several towns of Indian territory, with no legal or proper protection. Trade and the interests of commerce necessitated the building of stores, warehouses, dwelling houses, and hotels, and such outlays would thus be protected.

Railroads are chartered through the Five Tribes, and cities, towns, and villages grow up along them in aid of their operation. Congress might incorporate these towns and provide for a legal method of registering and passing title to these various properties or adjuncts of railroad trade and commerce. The Hotel Adams, at Muskogee, was ordered built in aid of commerce by the United States district court of the lower district of Kansas, on application of the receiver of the Missouri, Kansas and Texas railway.

The Indian occupancy claimant to the land on which the town is, or the nation claiming the land, could be paid, say, \$10 or more per acre for it, and the town site then be parceled out to lot holders, the remaining lots to be sold for the benefit of the town. The commission in charge of the allotment in each of the Five Tribes could take charge of the town-site allotment as well. In any view of Five-Tribe affairs, town sites are serious problems. They should be settled first and at once by Congress exercising its right of eminent domain, and in aid of internal commerce. Much of the discontent among the whites of the Five-Civilized Tribes would cease could title be acquired to town lots. The Five Tribes will probably never pass an incorporation law by which whites or colored, so-called intruders, can get title to lots. Congress will have to do this. The passage of a general town-site act of 320 or 640 acres each by Congress will be first in order. Then the question of allotment of the remaining lands can come up. Whatever is to be done as to town sites should be done quickly, as delay only thickens the danger and makes the work more difficult.

LANDS.

The proper settlement of the land question in the Five Civilized Tribes of Indian territory presents one of the most serious problems the United States has as yet had to deal with in connection with the Indians. They are not on reservations, but on lands patented to each nation, except the Seminoles, and theirs they bought, to be held by them as long as they shall remain nations. They have homes, farms, towns, churches, schools, capitol buildings, courts, laws rigidly enforced, and peace and order. They ask no alms from the nation, and are self-sustaining, self-reliant, and fairly well off in worldly goods. Promises will not settle this question. These Indians, often Indians in name only, can not be driven off, cajoled, or threatened. Glass beads, beef, firearms, gewgaws, vermilion, and feathers will not reach these people. The United States is to meet as able a class of leading men in these communities as can be found in the civilized communities of the old States, and they have the means to employ counsel and defend their rights. In addition, public sentiment throughout the nation will resist any attempts to wrongfully despoil these people of lands they have occupied and owned for sixty years. The vast army of whites covering many of the nations of Indian territory demand that they shall be allowed to make homes on the unoccupied Indian lands. These whites are there by sufferance of the nation and the Indians. Any acts of the nation by which these surplus Indian lands shall be turned over to the whites who are noncitizens of the Five Tribes before the land question is settled satisfactorily to the Five Tribes would smack of confiscation. The surplus lands above allotment to the citizens of the Five Tribes will, of course, be sold to whites or others, but not at the usual rate for the present public domain—\$1.25 per acre. The whites who are residents of the Five Tribes at the time of the sale of the lands should have a preferred right above newcomers, but no favors above any others as to price.

ALLOTMENT.

The allotment of the Five-Tribe lands can not be proceeded with in the manner that lands of the reservation or wild Indians are allotted. Whatever proceedings are had in Indian territory as to the final breaking up of the Five Tribes and their becoming citizens of the United States, and as to the lands to be allotted, the steps to reach such results must be slowly taken, as Indians think and act slowly upon all questions affecting their lands or property rights. The necessary action to dismember the Five Civilized Tribes as nations and put them into citizenship must be taken cautiously, and the Indians thereof be made to understand what is expected of them by slow and deliberate approaches. It can be accomplished in this way only. Hurried visits of a commission to these people will result in failure. Time and discussion are the only methods of success.

The lands of four of the Five Tribes are patented to each nation. A patent has been held by the Supreme Court of the United States to be a "grant executed." The features in these patents varying a fee may be equitable provisions, probably inserted more for the protection of the Five Tribes, and not for their despoiling; inserted more to protect them against designing men in the tribes than from outsiders, and leaving the United States as referee in the matter.

To declare the Five Civilized Tribes citizens of the United States prior to the settlement of all questions as to their lands and legal and civil rights would be unjust and destructive to them. The United States can and should alone settle all questions in controversy. After the Indians are established in their landholdings, the sale of the surplus land made, and the proceeds distributed to rightful Indians or Indian citizens owning them, the Five Tribes will have an even chance with others who occupy Indian territory; but not until then, and statehood can then be considered. The moral sentiment of this Republic will not permit this people to be despoiled or unjustly treated. These are not wards of the nation, or wild men dependent on the Treasury for food.

Allotment of Five-Tribe lands, under laws of the United States, should mean the selection by, and setting aside of, a tract of 160 acres of land or less to each Indian, and the sale by the United States of the surplus lands, after survey, to settlers and others, paying over the proceeds pro rata to the Indian owners, deducting the expense of survey and sale. The law for this proceeding will be different from any other heretofore adopted, because the lands have a large actual value over any other lands of the public domain, and to sell them below a justly appraised value would be an error. These lands will average more than \$10 per acre in value. Many tracts of 160 acres will sell for \$75 per acre; besides, when the lines of the legal subdivisions are run, many valuable improvements will be found to be on the surplus tracts. These must be appraised and the value given to the Indians who own them. The Seminoles will probably have no surplus lands to sell.

The per capita distribution of surplus money among say 55,000 Indians and Indian citizens will be on an approximate value of \$100,000,000, but differing in proportion in the several tribes. In the winding up of these questions there will be many opportunities for frauds, unless a careful law is drawn and vigorously executed. No rustlers can capture or grab these lands. They are not as a rule deserts or barrens, but fallow fields.

Great care must be exercised that the Five Tribes do not exclude anyone who is entitled to citizenship. Citizenship in some of these tribes may mean 160 acres of land and may be about \$1,800 from the sale of surplus lands. The United States alone can judge this. On appeal, courts would be too slow; and for the Cherokees, Creeks and Seminoles, Choctaws and Chickasaws, four commissions, of three each, with full powers, under laws of Congress, would be the best method, after a statute of limitation had been passed. The claimants are not now numerous, but with plunder in sight they will rise up like an army.

Unquestionably in the settlement of the entire Indian question the five-tribe problem presents the most difficulties, and will require the most prudence and care. Political hacks or rheumatic encumbrances on a commission to treat with these people will be useless. The capacity of the Five-Tribes people as negotiators was well illustrated in the treaty which they negotiated with the Cherokee commission in 1890. In that treaty they overreached the white man. In all of the work looking to a settlement of these questions, goldsmiths are wanted, not blacksmiths, for this fine work.

After citizenship is settled and land tenures fixed, full criminal jurisdiction can be given the United States court in Indian territory, as then juries of citizens can be drawn and the inducement to drag people hundreds of miles from their houses merely to get fees will cease.

HISTORICAL OUTLINE OF THE FIVE CIVILIZED TRIBES.

The Five Civilized Tribes of Indian territory are of two stocks: The Cherokees of Iroquoian, and the Creeks, (a) Seminoles, Choctaws, and Chickasaws, of Muskogean stock. Originally they inhabited contiguous portions of the Atlantic coast in and below Virginia, and claimed westward to the Mississippi river. It can be safely said that they present many tribal features peculiar to themselves, and it is to be regretted that not one of these five tribes has a written or preserved history. Neither Indian nor white man has been found to compile the record of these most distinguished people, who, since the advent of the whites, have met the conditions of war or requirements of peace with dignity and ability. A vast collection of written material and legend is at hand, and many old Indians of these tribes even now can be found, speaking aboriginal languages only, who could contribute much of value in relation to these people.

The local customs of the states which were their former homes contain in detail much to aid a historian. No history of any of the states they originally occupied can be written without ample reference to them. The mountain chains, valleys, rivers, and towns of the southeast bear their names, and will preserve their memory. Pioneer life in the region named was a terror, owing to their warlike raids, and their resistance to encroaching white life and their gradual withdrawal before it have been carried in story and in song, and live in the history of the nation. No force of whites was too strong for them to attack, no distance too great to travel for battle. In the meantime they were noted for keeping their word when once passed, and famous for hospitality when not invaded by armed force. Osceola, Billy Bowlegs, Big Dutch, and their wars within the century, will always be famous. Take in illustration the Creek war of 1813-1814.

THE CREEK WAR OF 1813-1814.

The Creeks had adopted many of the arts of civilization when Tecumseh, the Shawnee chief, went among them and urged them to join the Northwestern confederation and abandon civilized life. With his great eloquence he pictured the restraints of civilization and the beauties of the unrestrained wild life which they enjoyed prior to the advent of the whites. This war resulted in a loss to the whites of 689 killed and wounded. One thousand three hundred Creek Indians were killed and thousands wounded. This war broke the back of the Creek confederacy and afterwards they were at peace.

The battles in this war were:

Autossee (Creek nation), November 29, 1813.—General Floyd, with 950 Georgia militia and 400 friendly Indians, encountered the Creeks upon their sacred ground, and defeated them. Loss: Creeks, 200 killed and 400 houses burnt. Americans, 50 killed and wounded.

^a The Euchees or Uchees, of Uchean stock, are consolidated with the Creeks.

Camp Defiance (Creek nation), January 27, 1814.—Fought between the Creek Indians and the Americans under General Floyd. The Indians were defeated with great loss.

Eccanachaca, or Holy Ground (Creek nation), December 23, 1813.—General F. L. Claiborne, with a body of Mississippi volunteers, gained a victory over the Creeks under their prophet, Weatherford.

Fort Mims (Creek nation), massacre at, August 30, 1813.—The fort was garrisoned by Americans under Major Beasley, and attacked by the savage Creeks. Only 17 out of the 300 men, women, and children in the fort escaped to tell the tale.

Hillabeetown (Creek nation), November 11, 1813.—The Tennesseans, under General Jackson, met and defeated the Creeks; killed 60 of them.

Talladega (Creek nation), November 7, 1813.—General Jackson, with 2,000 Tennessee volunteers, met and defeated the Creeks at Talladega. Loss: Creeks, 290 killed, wounded unknown. Americans, 15 killed and 85 wounded.

Tallushatches Town (Creek nation), November 2, 1813.—Fought between the Creeks and 900 Americans, under General Coffee. The Creeks were defeated and their wigwams destroyed. Loss: Creeks, 200 killed, wounded unknown. Americans, 5 killed and 41 wounded.

Tohopeka, or Horse Shoe Bend (Creek nation), March 27, 1814.—Fought between 1,000 Creek warriors and the Americans and friendly Indians, under General Jackson. The latter were victorious. Loss: Creeks, 550 killed, wounded unknown. Americans, 54 killed and 156 wounded.

SEMINOLE WAR OF 1835-1842.

The Seminole war of 1835-1842 is also an illustration of the prowess of this people. It required an army of 41,000 Americans, under such generals as Scott, Taylor, Gaines, Clinch, and Worth, to subdue this handful of Indians, who from everglade or forest poured upon them an almost incessant fire. It cost more than \$10,000,000. This war was caused by the refusal of the Seminoles to abandon their homes in Florida and remove to lands west of the Mississippi river. The Americans suffered a total loss of 765 killed and wounded. Five hundred and forty Indians were killed out of a tribe estimated then at 1,000 all told, probably one-half of the entire male population of the tribe. Their great warriors were Osceola, Coacoochie, Tustenuggee, and Phillip.

The battles were:

Coleoskatchie (Florida), July 23, 1839.—A party of 28 Americans, armed with Colt's rifles, were attacked by the Indians, and 13 of them killed.

Everglades of Florida, December 3 to 24, 1840.—Colonel Harney, with 90 men, in an expedition against the Indian camp located therein. Americans, killed 4, wounded 6; 5 were afterwards hung.

Fort Andrews (Florida), November 27, 1839.—Forty Indians were repulsed by 17 Americans. Loss: Americans, 2 killed and 5 wounded.

Fort Brook (Florida), near, April 27, 1836.—Fought between the United States volunteers and the Indians. The latter were defeated. Loss: Indians, 200 killed, wounded unknown. Americans, 2 killed and 24 wounded.

Fort Drane (Florida), August 21, 1836.—Fought between 110 Americans, under Major Pierce, and 300 Seminoles, under Osceola. The latter were defeated. Loss: Indians, unknown; Americans, 1 killed and 16 wounded.

Fort King (Florida), near, April 28, 1840.—Captain Rains, United States Army, while out scouting with 16 men, was assaulted by 98 Indians and negroes, from whom he escaped with a loss of 7 men.

Hawk River (Florida), January 25, 1842.—The Indians, under Halleck Tustenuggee, were defeated by 80 men of the 2d United States infantry, under Major Plympton. Loss: Americans, 1 killed and 2 wounded.

Loche-Hatchee (Florida), January 24, 1838.—Fought between the United States troops under General Jessup and the Indians. The former were victorious. Loss: Indians, unknown. Americans, 7 killed and 32 wounded.

Lake Monroe (Florida), February 8, 1837.—Fought between a party of Seminoles and a detachment of Americans, under Colonel Fanning. The Indians were repulsed. Loss: Americans, 1 killed and 15 wounded.

Micanopy (Florida), June 9, 1836.—Fought and won by 75 Americans, under Major Heileman, against over 200 Indians.

Newnansville (Florida), June 28, 1838.—A strong force of Indians were repulsed by 112 Americans, under Major Beall. Loss: Americans, 1 killed and 5 wounded.

Okee-Chobee (Florida), December 25, 1837.—Fought and won by 1,000 Americans, under Colonel Taylor, against a large force of Seminoles. Loss: Indians, unknown; Americans, 26 killed and 111 wounded.

Tampa Bay (Florida), December 28, 1835.—A company of 177 United States troops, under Major Dade, were attacked by a large party of the Indians and all but 3 slain.

Wacahootah (Florida), September 8, 1840.—Thirty Americans, under Lieutenant Hanson, were defeated by 100 Indians, in ambuscade. Loss: Americans, 1 killed and 4 wounded.

Wahoo Swamp (Florida), November 17 to 21, 1836.—General Armstrong and General Call, with 1,850 men, defeated a large force of Indians. Loss: Americans, 55 killed and wounded. Indians, etc., 95.

Welika Pond (Florida), July 18, 1836.—Fought and won by 62 American regulars, under Captain Ashby against a superior force of Indians. Loss: Americans, 2 killed and 9 wounded.

May 19, 1840.—Lieutenant Sanderson, while out scouting with 17 men, was attacked by 90 Indians, and retired with a loss of 7 men.

April 19, 1842.—Pelaklikaha (Big Hammock), where the stronghold of Halleck Tustenuggee was, captured by Colonel Worth, with 400 men.

Withlacoochie (Florida), December 31, 1835.—About 250 United States regulars and volunteers, under General Clinch, engaged 300 Seminoles, under Osceola, and repulsed them. Loss: Seminoles, 40 killed, wounded unknown; Americans, 4 killed and 59 wounded.

Withlacoochie (Florida), near the, February 29, 1836.—Fought between 1,100 Americans, under General Gaines, and 1,500 Seminoles, under Osceola. The latter were repulsed. Loss: Indians, supposed, 300 killed and wounded; Americans, 4 killed and 38 wounded.

FIVE TRIBES IN PEACE, 1890.

The descendants of those fierce Five-Tribe warriors are now the best of Indian citizens, and average with the whites about them in Indian territory, not showing a trace of their former warlike propensities.

The story of the past of the Five Civilized Tribes, once written, would fill volumes and be of entrancing interest and beauty. Their traditions of heroes and warriors show the highest human courage and devotion to tribe and country. Their legends, interwoven with descriptions of the beautiful country they occupied, are classic in detail. Their customs were also peculiar. Their form of tribal government, in many features, was entirely original, while useful and bringing contentment to their people. Their myths, almost oriental in their richness of coloring, exceeded the usual aboriginal imagination. That all of these interesting features will ever be gathered and preserved connectedly is now unlikely, and the student and investigator, while studying these people in that which is preserved, can see with regret the shadows of a vast field of research neglected and gone in the dim distance, owing to neglect to record or patience to preserve.

CHEROKEES (IROQUOIAN STOCK).

When first discovered by Europeans the Cherokees were occupying the mountainous country about the headwaters of the Tennessee river and portions of Georgia and South Carolina. They were a brave, self-reliant, and well-advanced people, yet warlike and dangerous when in conflict with the whites. They call themselves in their language Tsaraghee. According to their traditions they came to this country before the Creeks, dispossessing a people of whom there is now no record. During the Revolution they were friendly to the English. A treaty of peace was made with them by which they acknowledged the sovereignty of the United States November 28, 1785, and were confirmed in the possession of their lands, then occupying a considerable portion of Tennessee and parts of North Carolina, Georgia, Alabama, and Mississippi. They commenced migrating to the transmississippi country as early as 1790, consequent upon the encroachments of white civilization. In 1809 a further western movement took place, and in 1818 3,000 more emigrated.

The Cherokee nation, by a treaty made in 1817, ceded to the United States an area of land lying east of the Mississippi river. In exchange for this the United States ceded to that part of the nation then on the Arkansas river as much land on that river, acre for acre, as the United States received from them east of the Mississippi river, and provided that all treaties then in force should continue in full force with all of the Cherokees. This established the two names, eastern and western Cherokees. The eastern band of Cherokees is the portion now living in North Carolina, Georgia, and East Tennessee, but chiefly in North Carolina on a tract of land known as Quallah boundary. They number 1,520. They are thus designated to distinguish them from the Cherokees who emigrated between 1809 and 1817 and located on the public domain at the headwaters of Arkansas and White rivers, and now the Cherokee nation, Indian territory. The latter became known to the Cherokee nation west. The general term, the Cherokee nation, includes both. Some of the eastern Cherokees, after 1866, on invitation, joined the western Cherokees and are now with them in Indian territory.

As early as 1809 the aggregate of annuities due the Cherokees on account of the sale of lands to the United States was \$100,000, and it was provided by articles of the treaty of 1817 that a census should be taken of those east and of those west and of those still intending to remove west, and also that a division of the annuities should be made ratably, according to numbers as ascertained by said census, between those who were east and those who were west. Thus the Cherokees, although geographically separated, were treated as a unit, and all property owned by them was treated as common property.

In 1819 they were estimated at 15,000 in number. By a treaty made in 1819, the formal census was dispensed with, and for the purposes of distribution it was assumed that one-third had removed west, and that two-thirds were yet remaining east of the Mississippi river. At the same time the nation made a further cession to the United States of land lying east of the Mississippi. Upon the basis of this estimate of numbers, in lieu of a census, annuities were distributed until the year 1835.

By a treaty made in 1828 with the western Cherokees, the United States guaranteed to them 7,000,000 acres, with a perpetual outlet west as far as the sovereignty and right of soil of the United States extended. This vast

tract was in what is now known as Indian territory, and the Cherokees at the same time surrendered the lands occupied by them on the Arkansas and White rivers, to which they had removed between the years 1809 and 1817. In 1819 there were estimated to be 6,000 of them in Arkansas. By the same treaty, special inducements were offered to those east to remove west, including a rifle, blanket, kettle, 5 pounds of tobacco, and cost of emigration to each person, with a just compensation for the property which each might abandon.

The treaty of 1833 simply redefined the boundaries of the land mentioned in the treaty of 1828. In 1835 the Cherokees still held a quantity of land east of the Mississippi larger than the states of Massachusetts, Rhode Island, and Connecticut. It had been agreed that the United States Senate should fix the price that should be paid for these lands, in contemplation of the cession of the same to the United States. The Senate fixed the price at \$5,000,000. The original draft of the treaty of 1835 authorized such Cherokees as so desired to remain east, and in such event set apart certain lands to them. By a supplemental treaty in 1836, the United States initiated the policy of compelling the then eastern Cherokees to remove west. In 1838 General Winfield Scott employed 2,000 troops for the purpose. It was a fearful policy. The Indians were hunted over their native lands as if they were wild beasts. As many as escaped capture clung to their homes, and by the treaty of 1846 it was agreed that they might remain, and the present eastern band of Cherokees are the remnants.

The rights of the eastern and western Cherokees and questions growing out of treaties and laws relating to them are not yet settled. The Cherokees since 1776 have made about 40 treaties with the United States, and claim to have ceded more than 80,000,000 acres of land to the whites.

The Cherokee nation of Indian territory came to their present location in 1838. The Cherokees in Arkansas, 6,000, and those removed in Georgia, estimated at 16,000, made a joint removal, and thus formed the Cherokee nation in Indian territory. One reason for their removal was that frequent cessions of their lands had reduced their territory to less than 8,000 square miles in extent, and also the hostility of the Georgians. So they were all removed in 1838 to their present reservation in the Indian territory, excepting the 1,500 who remained in North Carolina and adjoining states. At the opening of the war of the rebellion in 1861 the Cherokees in Indian territory had progressed to a high degree of prosperity, but suffered great injury from both parties ravaging their country and heavy loss by the emancipation of their slaves. Nearly all the Cherokees at first joined the Confederacy, but after the fight at Pea Ridge 9,000, under Colonel Downing, with a majority of the nation, abandoned the Southern cause and joined the Union forces; about 6,500 adhered to the Confederacy to the end. At the time of their removal west the Cherokees were estimated at between 24,000 and 27,000. In 1867 they were reduced to 13,566, but since then have increased. In 1871 they numbered about 18,000; in 1880, about 18,500.

The Cherokee treaty of 1836, whereby they were to remove west from Georgia, was a most questionable transaction. It produced factions among the Cherokees and much bloodshed. The six Cherokees who signed that treaty in Georgia, on behalf of the Cherokees, always claimed that they affixed their names under a positive assurance from the Rev. Mr. Schermerhorn, the United States agent, that the treaty should not be held binding until the Ross delegation, then in Washington on behalf of the Cherokees, should consent. The Ross delegation were not consulted as to the treaty going into effect, and the Cherokee forced expulsion began.

In 1837 three of the six Cherokees who signed the treaty of 1836 came to an untimely end, viz, Major Ridge, who was waylaid and shot; John Ridge, his son, was taken from his bed and cut to pieces; Elias Boudinot was decoyed from his house and slain with knives and hatchets.

The removal of the Cherokees west in 1838, by General Scott's soldiers and the treaty of 1836, was thus described by Miss Nevada Couch in June, 1884:

The tale of the removal of the Cherokees from their Georgia home, made dear to them by the most sacred associations, is one of the saddest of the many sad stories of Indian history. After every effort it was found that no modification of the treaty (1836) requiring their removal would be granted. It had seemed impossible to them that a treaty so iniquitous and oppressive would be executed. The order will be enforced. While the military were gathering around them, like the vultures round their victim, and while numerous fortifications were erected in the country, they remained quietly in their homes. Late in the season the missionaries celebrated the Lord's Supper for the last time at Brainerd, and 16,000 people soon bade a mournful and reluctant adieu to the land of their fathers. A five months' journey was before them. Sick and well, old men and children, mothers and infants, through the winter months, they traveled on, from 6 to 18 miles a day. There were births and there were deaths, but the deaths, alas, were two to one. They averaged 13 deaths a day. They arrived at last, but more than 4,000—more than one-fourth of their whole number—in that ten months' time they had left beneath the sod. That this shocking mortality and ill-treatment was borne so patiently is a wonder. Religious services were held by the companies along the way, and probably the influence of the missionaries had to do with the prevention of that outburst which had been predicted by the government.

CHEROKEES IN SOUTH CAROLINA.

Of the Cherokees in South Carolina, Harry Hammond, in his *History of South Carolina*, 1883, writes:

The following is a synopsis of the natives and tribes of Indians mentioned as residing in South Carolina:

CHEROKEE NATION.

Tribes.—Echotsee, Nequassee, Tehohee, Chatusee, Noyowee, Chagee, Estatoe, Tussee, Cussatee, Tugoola, Keowee, Echay, Aconee, Toxaway, Seneka, Tewraw, Tukwashaw, Chickerohe, Naguchie, Totero, Quacoratchie, Chota, Enoe, Stickoey, Esaw, Sapona, Wisack.

The Cherokees were a mountain race, occupying extensive territory in Alabama, Tennessee, Georgia, North and South Carolina, and Kentucky. Less than one-tenth of this territory is in the present boundaries of South Carolina, comprising the counties of Oconee, Pickens, Anderson, Greenville, and Spartanburg, which would make the number of warriors in this state by Adair's computation to have been 230, or a total population not exceeding 1,000. They were expelled in 1777 for siding with the British, and are now the most advanced in civilization of the Indians.

The above names are local, and the Cherokee Indians in the vicinity took the local name. This designating Indian tribes by names of localities in early days gave much color to the stories of a vast number of tribes and an enormous Indian population.

CHEROKEES (IROQUOIS).

[From the Seventh Annual Report of the Bureau of Ethnology.]

IROQUOIAN FAMILY.

Iroquois, Gallatin in *Trans. Am. Antiq. Soc.*, II, 21, 23, 305, 1836 (excludes Cherokee). Prichard, *Phys. Hist. Mankind*, v. 381, 1847 (follows Gallatin). Gallatin in *Trans. Am. Eth. Soc.*, II, pt. 1, xcix, 77, 1848 (as in 1836). Gallatin in *Schoolcraft, Ind. Tribes*, III, 401, 1853. Latham in *Trans. Philolog. Soc. Lond.*, 58, 1856. Latham, *Opuscula*, 327, 1860. Latham, *Elements Comp. Phil.*, 463, 1862.

Irokesen, Berghaus (1845), *Physik. Atlas*, map 17, 1848. *Ibid.*, 1852.

Irokesen, Berghaus, *Physik. Atlas*, map 72, 1887 (includes Kataba and said to be derived from Dakota).

Huron-Iroquois, Bancroft, *Hist. U. S.*, III, 243, 1840.

Wyandot-Iroquois, Keane, *App. Stanford's Comp. (Cent. and So. Am.)*, 460, 468, 1878.

Cherokees, Gallatin in *Trans. Am. Antiq. Soc.*, II, 89, 306, 1836 (kept apart from Iroquois through probable affinity asserted). Bancroft, *Hist. U. S.*, III, 246, 1840. Prichard, *Phys. Hist. Mankind*, v. 401, 1847. Gallatin in *Trans. Am. Eth. Soc.*, II, pt. 1, xcix, 77, 1848. Latham in *Trans. Philolog. Soc. Lond.*, 58, 1856 (a separate group perhaps to be classed with Iroquois and Sioux). Gallatin in *Schoolcraft, Ind. Tribes*, III, 401, 1853. Latham, *Opuscula*, 327, 1860. Keane, *App. Stanford's Comp. (Cent. and So. Am.)*, 460, 472, 1878 (same as Chelekees or Tsalagi—"apparently entirely distinct from all other American tongues").

Tschirokies, Berghaus (1845), *Physik. Atlas*, map 17, 1848.

Chelekees, Keane, *App. Stanford's Comp. (Cent. and So. Am.)*, 472, 1878 (or Cherokees).

Cheroki, Gatschet, *Creek Mig. Legend*, I, 24, 1884. Gatschet in *Science*, 413, April 29, 1887.

Huron-Cherokee, Hale in *Am. Antiq.*, 20, Jan., 1883 (proposed as a family name instead of Huron-Iroquois; relationship to Iroquois affirmed).

Derivation.—French adaptation of the Iroquois word *hiro*, used to conclude a speech, and *koné*, an exclamation (Charlevoix). Hale gives as possible derivations *ierokwa*, the indeterminate form of the verb to smoke, signifying "they who smoke;" also the Cayuga form of bear, *iakwai*. Mr. Hewitt suggests the Algonkin words *irin*, true or real; *ako*, snake; with the French termination *ois*, the word becomes *Irinakois*.

With reference to this family it is of interest to note that as early as 1798 Barton compared the Cherokee language with that of the Iroquois and stated his belief that there was a connection between them. Gallatin, in the *Archæologia Americana*, refers to the opinion expressed by Barton, and although he states that he is inclined to agree with that author, yet he does not formally refer Cherokee to that family, concluding that "we have not a sufficient knowledge of the grammar, and generally of the language, of the Five Nations, or of the Wyandots, to decide that question."

Mr. Hale was the first to give formal expression to his belief in the affinity of the Cherokee to Iroquois. Recently extensive Cherokee vocabularies have come into possession of the Bureau of Ethnology, and a careful comparison of them with ample Iroquois material has been made by Mr. Hewitt. The result is convincing proof of the relationship of the two languages as affirmed by Barton so long ago.

GEOGRAPHIC DISTRIBUTION.

Unlike most linguistic stocks, the Iroquoian tribes did not occupy a continuous area, but when first known to Europeans were settled in three distinct regions, separated from each other by tribes of other lineage. The northern group was surrounded by tribes of Algonquian stock, while the more southern groups bordered upon the Catawba and Muskoki.

A tradition of the Iroquois points to the St. Lawrence region as the early home of the Iroquoian tribes, whence they gradually moved down to the southwest along the shores of the Great Lakes.

When Cartier, in 1534, first explored the bays and inlets of the Gulf of St. Lawrence he met a Huron-Iroquoian people on the shores of the Bay of Gaspé, who also visited the northern coast of the gulf. In the following year when he sailed up the St. Lawrence River he found the banks of the river from Quebec to Montreal occupied by an Iroquoian people. From statements of Champlain and other early explorers it seems probable that the Wyandot once occupied the country along the northern shore of Lake Ontario.

The Conestoga, and perhaps some allied tribes, occupied the country about the Lower Susquehanna, in Pennsylvania and Maryland, and have commonly been regarded as an isolated body, but it seems probable that their territory was contiguous to that of the Five Nations on the north before the Delawares began their westward movement.

As the Cherokee were the principal Iroquoian tribe on the borders of the southern colonies and occupied the leading place in all the treaty negotiations, they came to be considered as the owners of a large territory to which they had no real claim. Their first sale, in 1721, embraced a tract in South Carolina between the Congaree and the South Fork of the Edisto, but about one-half of this tract, forming the present Lexington county, belonged to the Congaree. In 1755 they sold a second tract above the first and extending across South Carolina from the Savannah to the Catawba (or Wateree), but all of this tract east of Broad river belonged to other tribes. The lower part, between the Congaree and the Wateree, had been sold twenty years before, and in the upper part of the Broad river was acknowledged as the western Catawba boundary. In 1770 they sold a tract, principally in Virginia and West Virginia, bounded east by the Great Kanawha, but the Iroquois claimed by conquest all of this tract northwest of the main ridge of the Allegheny and Cumberland mountains, and extending at least to the Kentucky river, and two years previously they had made a treaty with Sir William Johnson by which they were recognized as the owners of all between Cumberland mountains and the Ohio down to the Tennessee. The Cumberland river basin was the only part of this tract to which the Cherokee had any real title, having driven out the former occupants, the Shawnee, about 1721. The Cherokee had no villages north of the Tennessee (this probably includes the Holston as its upper part), and at a conference at Albany the Cherokee delegates presented to the Iroquois the skin of a deer, which they said belonged to the

Iroquois, as the animal had been killed north of the Tennessee. In 1805, 1806, and 1817 they sold several tracts, mainly in middle Tennessee, north of the Tennessee river, and extending to the Cumberland river watershed, but this territory was claimed and had been occupied by the Chickasaw, and at one conference the Cherokee admitted their claim. The adjacent tract in northern Alabama and Georgia, on the headwaters of the Coosa, was not permanently occupied by the Cherokee until they began to move westward, about 1770.

The whole region of West Virginia, Kentucky, and the Cumberland river region of Tennessee, was claimed by the Iroquois and Cherokee, but the Iroquois never occupied any of it and the Cherokee could not be said to occupy any beyond the Cumberland mountains. The Cumberland river was originally held by the Shawnee, and the rest was occupied, so far as it was occupied at all, by the Shawnee, Delaware, and occasionally by the Wyandot and Mingo (Iroquois), who made regular excursions southward across the Ohio every year to hunt and to make salt at the licks. Most of the temporary camps or villages in Kentucky and West Virginia were built by the Shawnee and Delaware. The Shawnee and Delaware were the principal barrier to the settlement of Kentucky and West Virginia for a period of twenty years, while in all that time neither the Cherokee nor the Iroquois offered any resistance or checked the opposition of the Ohio tribes.

The Cherokee bounds in Virginia should be extended along the mountain region as far at least as the James river, as they claim to have lived at the Peaks of Otter, and seem to be identical with the Rickohockan or Rechaheerian of the early Virginia writers, who lived in the mountains beyond the Monacan, and in 1656 ravaged the lowland country as far as the site of Richmond and defeated the English and the Powhatan Indians in a pitched battle at that place.

The language of the Tuscarora, formerly of northeastern North Carolina, connects them directly with the northern Iroquois. The Chowanoc and Nottoway and other cognate tribes adjoining the Tuscarora may have been offshoots from that tribe.

Principal tribes.—Cayuga, Cherokee, Conestoga, Erie, Mohawk, Neuter, Nottoway, Oneida, Onondaga, Seneca, Tionontate, Tuscarora, Wyandot.

CREEKS (MUSKHOGEAN STOCK).

The Creeks are known in their own language as the Muskokee or Muskogee, and occupied when met by Europeans the greater portion of Georgia, Alabama, and Florida, or the gulf states. Their traditions say that they came from the northwest and moved south until they reached Florida, when they retired to the country between the headwaters of the Alabama and Savannah rivers. As this region was full of small rivers and creeks, it was called by the early settlers the Creek country, hence the name given the Creek Indians by the whites who met them there. Those in Florida were called Seminoles, or Itsi-semole (wild men). The Creeks became a confederacy of tribes, speaking other languages, modifying somewhat the original Muskogee, who numbered seven-eighths of the whole number. Before a single power was established in the south they were given much attention by the Spanish, French, and English, and were about equally divided in their allegiance to these nations, but final success of the English brought them entirely under their influence.

They took an active part in the war of the revolution against the Americans, and continued their hostilities till the treaty concluded at Philadelphia in 1795. They then remained at peace eighteen years; but at the beginning of the last war with Great Britain a considerable portion of the nation, excited, it is said, by Tecumseh, and probably receiving encouragement from other sources, took arms without the slightest provocation, and at first committed great ravages in the vicinity of their western frontier. They received a severe chastisement, and the decisive victories of General Jackson at that time, and some years later, over the Seminoles, who had renewed the war, have not only secured a permanent peace with the southern Indians, but, together with the progress of the settlements, have placed them all under the absolute control of the United States. The Creeks and Seminoles, after some struggles among themselves, have ceded the whole of their territory, and accepted in exchange other lands beyond the Mississippi. (Gallatin.—1836.)

The Creeks were originally a fierce and warlike tribe, with great organizing and controlling capacity. The original Creek confederacy was a confederacy of towns. Each town was a complete government in itself. There was a town chief for each town, and a body of men in the nature of an advisory council, and in this great council of the confederacy these several towns were represented by the town chiefs. These Creek towns are still preserved in the Creek nation in Indian territory, and are in fact representative districts. In 1832 they made a treaty with the United States ceding the lands of their old homes, and removed to Indian territory.

Twenty-four thousand five hundred and ninety-four Creeks were removed west of the Mississippi in 1832 and after, only 744 remaining on their old hunting grounds. At the breaking out of the civil war the Western Creeks were estimated to number less than 15,000. The Creeks divided on the war of 1861, and engaged in pitched battles against each other, the Unionists suffering badly, many fleeing to Kansas. They were brought together again after the war, and in 1872 numbered, as estimated, 13,000, and in 1890, by their census, 14,800.

CREEKS IN SOUTH CAROLINA.

In illustration of the number of small tribes into which great tribes are frequently divided by local usage, the following from Harry Hammond's "South Carolina, 1883," is given in relation to the Creeks of that state:

Tribes Savanna, Sernna, Cusoboe, Yamassee, Huspa, Cosah. Fragmentary tribes on the Savannah river, south of the Uchees, in Barnwell county.

The Yamassees numbered about 100 men, women, and children, near Pocotaligo, in 1715, and were driven across the Savannah by Governor Craven. Twenty men of the tribe were left at Saint Augustine, Florida, in 1743, and they were absorbed by the Seminoles.

The Yamassee, or Jamassi, were one of a small number of isolated tribes, of dark complexion, found widely scattered among the inhabitants of North and South America, supposed to have been immigrants from Africa prior to the European discovery of America (see *Human Species*, by A. De Quatrefages). If this be so, it explains why D'Alyon persisted in slave-hunting about Beaufort (1520), these negroes being valuable as laborers, while the Indians were worthless. It were strange, too, if negroes first occupied this section where they now predominate.

SALUTAH.—Located near Saluda, old town, Newberry county, removed to Conestoga, in Pennsylvania.

CONGAREE.—On the river of that name, John Lawson visited them in 1700 and found a town of 12 huts; one man at home and the women gambling.

SANTEE.—Near Nelson's Ferry, in Clarendon. John Lawson found a few of their huts in 1700.

WESTOES AND STONOS.—Between Edisto and Ashley rivers, in Colleton and Charleston counties; amalgamated with the Catawbias.

WATEREE AND CHICKASEE.—On Pine Tree creek, Kershaw county. Lawson says they were more populous than the Congarees.

WAXSAWS.—Lawson makes a day's march from the last.

WENEE.—Indian. Old township. Williamsburg county.

WYNAW.—On the inlet of that name.

SEWEE.—On Sewee Bay. Lawson says the larger part of them were lost at sea, or rescued and sold as slaves by the English, in an attempt they made to open direct communication with England by a fleet of canoes, in which they put to sea in the direction whence they had observed the English vessels arrive.

SARAW OR CHERAW.—Chesterfield and Marlboro counties, absorbed by the Catawbias.

KADAPAW.—Lynch's Creek. Joined the Catawbias.

The Pee Dees are not mentioned, as it is thought the name is of European origin, probably from P. D., the initials of Patrick Daly, a white man, carved upon a tree by an early settler.

The 19 tribes claimed under the Creek nation, occupying at least one-half of the state, appear to have been very insignificant in numbers, according to the earliest authentic accounts of them. Governor Glenn sums them up in one sentence:

There are among our settlements several small tribes of Indians, consisting only of some few families each.

Lawson says of them:

Although their tribes or nations border upon one another, yet you may often discern as great an alteration in their features and disposition (he was much impressed by the comeliness of the Congaree women) as you can in their speech, which generally proves quite different from each other, though their nations be not above 10 or 20 miles in distance.

The Creeks in South Carolina, at their discovery by the whites, are estimated by Hammond at about 400.

UCHEES (UCHEAN STOCK).

With the Creeks are the Euchees, or Uchees, of Uchean stock. The Uchees are part of the Uchees who once occupied the southern part of Georgia and, it is stated, part of the peninsula of Florida. They consolidated with the Creeks in or about 1729. They thus became for all purposes Creeks, and removed with them to Indian territory in 1832. They now live in a district by themselves in the northwest corner of the Creek nation, and number from 400 to 700. They speak their own language, a peculiar guttural one, and intermarry among themselves. In taking the census of 1890 great difficulty was found in obtaining a competent enumerator who could enroll them. They are a part of the Creek nation.

UCHEE NATION.

[Harry Hammond's South Carolina, 1883.]

About one-eighth of the territory of the Uchees extended across the Savannah River into Aiken, Edgefield, and Barnwell counties. There is no estimate of their numbers. Their Princess of Cutifachiqui (Silver Bluff) entertained De Soto with great splendor, according to the narrative of the gentleman of Elvas (1540). They were absorbed by the Creeks, and have left no trace except in the name of a small stream in Silverton township, Aiken county, and of a neighboring steamboat landing on the Savannah, Talemecho, after their great temple, which, it is said, stood there in De Soto's time.

UCHEAN FAMILY.

[From the Seventh Annual Report of the Bureau of Ethnology, 1890.]

Uchees, Gallatin in Trans. and Coll. Am. Antiq. Soc., II, 95, 1836 (based upon the Uchees alone). Bancroft, Hist. U. S., III, 247, 1840.

Gallatin in Trans. Am. Eth. Soc., II, pt. 1, xcix, 77, 1848. Keane, App. Stanford's Comp. (Cent. and So. Am.), 472, 1878 (suggests that the language may have been akin to Natchez).

Uchees, Gallatin in Trans. and Coll. Am. Antiq. Soc., II, 306, 1836. Gallatin in Schoolcraft, Ind. Tribes, III, 401, 1853. Keane, App. Stanford's Comp. (Cent. and So. Am.), 472, 1878.

Utschies, Berghaus (1845), Physik. Atlas, map 17, 1848. *Ibid.*, 1852.

Uch⁶, Latham, Nat. Hist. Man, 338, 1850 (Coosa river). Latham in Trans. Philolog. Soc. Lond., II, 31-50, 1846. Latham, Opuscula, 293, 1860.

Yuchi, Gatschet, Creek Mig. Legend, I, 17, 1884. Gatschet in Science, 413, April 29, 1887.

The following is the account of this tribe given by Gallatin (probably derived from Hawkins) in *Archæologia Americana*, page 95:

"The original seats of the Uchees were east of Coosa and probably of the Chattahoochee, and they consider themselves as the most ancient inhabitants of the country. They may have been the same nation which is called Apalaches in the accounts of De Soto's expedition, and their towns were, till lately, principally on Flint river."

GEOGRAPHIC DISTRIBUTION.

The pristine homes of the Yuchi are not now traceable with any degree of certainty. The Yuchi are supposed to have been visited by De Soto during his memorable march, and the town of Coftachiqui, chronicled by him, is believed by many investigators to have stood at Silver Bluff, on the left bank of the Savannah, about 25 miles below Augusta. If, as is supposed by some authorities, Coftachiqui was a Yuchi town, this would locate the Yuchi in a section which, when first known to the whites, was occupied by the Shawnee. Later the Yuchi appear to have lived somewhat farther down the Savannah, on the eastern and also the western side, as far as the Ogeechee river, and also upon tracts above and below Augusta, Georgia. These tracts were claimed by them as late as 1736.

In 1729 a portion of the Yuchi left their old seats and settled among the lower Creek on the Chattahoochee river; there they established three colony villages in the neighborhood, and later on a Yuchi settlement is mentioned on lower Tallapoosa river, among the upper Creek. Filson gives a list of 30 Indian tribes and a statement concerning Yuchi towns, which he must have obtained from a much earlier source: "Uchees occupy four different places of residence—at the head of St. John's, the fork of St. Mary's, the head of Cannouchee, and the head of St. Tillis" (Satilla), etc.

Population.—More than 600 Yuchi reside in northeastern Indian territory, upon the Arkansas river, where they are usually classed as Creek. Doubtless the latter are to some extent intermarried with them, but the Yuchi are jealous of their name and tenacious of their position as a tribe.

SEMINOLES (MUSKHOGEAN STOCK).

The Isti-Semole (wild men), who were among the original inhabitants of the peninsula of Florida when discovered by the whites, are Muskogees or Muskogean. They gradually detached themselves from the Creek confederacy, but were still considered members of it till the United States treated with them as being an independent nation. The name of Seminoles was probably given to them on account of their being chiefly hunters.

When the Creeks resided in Alabama it was customary for the members of the confederacy to go on hunting excursions, and sometimes these hunting parties would be gone for months. They would go to a distance of from 100 to 200 miles. In one of these hunting excursions the Seminoles—the word "Seminole" meaning strayed people—failed to return to the tribe and remained permanently away, and on this account, it is said, they were called Seminoles, in the language of the Creeks, Isti-Semole, wild or strayed men. They are Creeks and have been considered as such, and treated with the Creeks as one people until the treaty of 1866. In treaties prior to that time the Seminoles and Creeks are all spoken of as one people.

They were very hostile to the Americans up to the cessions of Florida in 1819, but a treaty was finally made with them in 1825. Other treaties followed looking to their removal westward, in attempting to carry out which a war followed, lasting from 1835 until 1842. In 1845 nearly 2,000 had then been removed, leaving about 300 in Florida. Some, however, moved to Mexico and settled along the Rio Grande. One hundred and forty-five of those in Florida, under Billy Bowlegs, joined the western band in the Indian territory in 1858. They had much difficulty in getting settled upon lands in the west, but were located finally upon a tract of 200,000 acres bought of the Creeks in Indian territory about 1842.

In 1856 the Creeks by treaty sold the Seminoles a tract of country which they occupied for a time, and in 1866 sold it to the United States for 15 cents an acre. In 1866 the Seminoles bought of the United States 200,000 acres of Creek land at 50 cents an acre, which they now occupy, being part of their lands. Under the treaty of 1856 they could bring, as they did, a portion of their brethren from Florida. The Seminoles in Florida in 1890 numbered 171, all self-sustaining citizens. They are in two distinct bands—the Okechobee and Tiger Tails band, near the Everglades and Key Biscayne. They are famous hunters and fishermen.

The Creeks in 1881-'82 sold the Seminoles another tract of 175,000 acres, which they now occupy, making their entire landholdings in Indian territory 375,000 acres, or 586 square miles. By the treaty of 1866 the United States recognizes the Seminoles as a separate and distinct nation. They are the least known of any of the Five Civilized Tribes. They are exclusive and keep to themselves, and with not much desire for advanced education.

If we accept the statement of Washington Irving, there is a deep-seated reason for the Seminole ignorance of reading and writing. He contributed the following Seminole tradition:

We have a tradition handed down from our forefathers, and we believe it, that the Great Spirit, when he undertook to make men, made the black man. It was his first attempt and pretty well for a beginning; but he soon saw that he had bungled, so he determined to try his hand again. He did so, and made the red man. He liked him much better than the black man, but still he was not exactly what he wanted. So he tried once more, and made the white man, and then he was satisfied. You see, therefore, that you were made last, and that is the reason I call you my youngest brother.

When the Great Spirit had made the three men, he called them together and showed them three boxes. The first was filled with books and maps and papers; the second with bows and arrows, knives and tomahawks; the third with spades, axes, hoes, and hammers. "These, my sons," said he, "are the means by which you are to live; choose among them according to your fancy."

The white man, being the favorite, had the first choice. He passed by the box of working tools without notice; but when he came to the weapons for war and hunting, he stopped and looked hard at them. The red man trembled, for he had set his heart upon that box. The white man, however, after looking upon it for a moment, passed on, and chose the box of books and papers. The red man's turn came next, and you may be sure he seized with joy upon the bows and arrows and tomahawks. As to the black man, he had no choice left but to put up with the box of tools.

From this, it is clear that the Great Spirit intended the white man should learn to read and write, to understand all about the moon and stars, and to make everything, even rum and whisky; that the red man should be a first-rate hunter and a mighty warrior, but he was not to learn anything from books, as the Great Spirit had not given him any; nor was he to make rum and whisky, lest he should kill himself with drinking. As to the black man, as he had nothing but working tools, it was clear he was to work for the white and red man, which he has continued to do. We must go according to the wishes of the Great Spirit or we shall get into trouble. To know how to read and write is very good for white men, but very bad for red men. It makes white men better, but red men worse.

CHOCTAWS (MUSKHOGEAN STOCK).

The Choctaws, or Chahtas, at the time of De Soto's visit in 1540, were living south of the Chickasaws and west of the Creeks, and chiefly in Alabama, Mississippi, and Tennessee. Unlike the surrounding tribes, they were peaceably disposed and a nation of farmers, and much farther advanced in civilization than any of their neighbors. Coming in contact with the French, Spanish, English, and Americans, they have never been at war with

any of them. The Choctaws commenced moving west of the Mississippi in 1800, and by 1830 had exchanged all their lands for other in Indian territory. By 1861 they had advanced far in civilization, numbering, with the Chickasaws, estimated, 25,000, and with 5,000 slaves. In the rebellion they joined the South, losing a great deal in property and having a reduction of their population to 17,000. In 1877 the estimated number was 16,000, of whom two-thirds were of mixed blood.

THE CHICKASAWS (MUSKHOGEAN STOCK).

The Chickasaws originally dwelt south of the Ohio river, in portions of northern Alabama, Kentucky, Mississippi, and Tennessee. They were a small and warlike tribe. The United States by treaty obtained their lands, and the Chickasaws removed to the Indian territory in 1837-'38. They were at once allied with the Choctaws. They are of Muskogean stock. In 1853 they were given at 4,715.

TRADITIONS, EARLY HISTORY, AND PROGRESS.

[By R. W. McAdam, Ardmore, Indian territory, 1891.]

If credence is to be given tradition, the Choctaws, Chickasaws, Muskogees (Creeks), and Seminoles were many centuries ago one tribe, occupying the entire southeastern portion of the United States from the Mississippi to the Savannah river. Internecine rebellions, engendered by factional quarrels and the jealousies of ambitious chiefs, ultimately divided the great nation into four tribes, which, in the course of time, learned different dialects, customs, and laws. The Seminoles claimed as their domain the peninsula country, now Florida; the Creeks, the region north of the Seminoles, comprising a part of eastern Alabama, Georgia, and perhaps part of South Carolina; the Choctaws, a large portion of Alabama and the southern half of Mississippi; the Chickasaws, the lands to the north of the Choctaws, comprising northern Mississippi and a portion of west Tennessee. When De Soto explored this region (1540) these tribes occupied the territory in the manner described.

The Choctaws and Chickasaws had their traditions, many of which have been preserved to this day. In the old Choctaw country is a cave in a hill which the Choctaws held as sacred, claiming that the first parents of their people came from this cave by magic. The Chickasaws have another tradition. Long centuries ago, when the Choctaws and Chickasaws were one people, they dwelt far to the west of the Mississippi. Driven by the ferocious northern Indians from their country, they journeyed toward the sunrise many moons, under the guardianship of a sacred dog, led onward by a magic pole, which they planted in the ground every night, and in the morning traveled toward the direction the pole leaned. At last, after crossing vast deserts, boundless forests, and dismal swamps, leaving thousands of their dead along the way, they reached the great Father of Waters. While crossing the Mississippi the sacred dog was drowned. Following the direction indicated by the magic pole, they continued eastward to the banks of the Alabama river, where the pole, after being unsettled for several days, pointed distinctly southwest. They proceeded in that direction to the southern portion of Mississippi, where the pole planted itself firmly in a perpendicular line. This was the omen for permanent settlement, and here the tribe dwelt. Tradition concerning the rebellion and formation of an independent tribe by the Chickasaws is very vague. The word Chikasha (Chickasaw) in the Choctaw tongue signifies rebel, the latter tribe giving its rebellious offshoot that name, which the Chickasaws evidently accepted as their distinctive tribal name.

When the early navigators touched upon the unknown shores of the Gulf of Mexico, the red men who greeted them were not savages living exclusively by the chase and the spoils of war. In a measure, these Indians were civilized. They had their rude arts, laws, customs, and religion, inferior but somewhat similar to those of the Aztecs and Incas, which leads to the belief that the magic pole tradition had its origin in an exodus of these tribes from Mexico. The theory that the Chickasaws and Choctaws were an offshoot of the civilized Aztecs, has some foundation. They were not primarily a warlike race. Their disposition was not ferocious, although they were capable of waging long and bloody wars when driven to such an extremity by perfidy and wrong. The ancient government of the Choctaws and Chickasaws was democratic and simple. Their ruler was called king, but his authority was abridged by the powers of the council, which was made and unmade at will by the people. Their ideas of justice were based on principles of equity. Virtue, truth, and honesty were, it is said, a striking characteristic. Their methods of agriculture were crude, but it is certain that they cultivated the great Indian cereal and prepared it for food by crushing, the meal being baked as bread, or the grain parched or boiled whole. Their theology was beautifully poetic and largely a worship of the heart, without the elaborate and barbarous rites of the sun-worshippers further south. To their simple imagining the manifestations of the Great Spirit were constantly heard and seen in the works of nature. Their daily life was one of devotion to quaint and pretty superstitions and spirit-worship. When De Soto, De Luna, and other white explorers first penetrated their country they found a race hospitable, virtuous, peaceable, and happy. They were met as gods and lavished with gifts and kindness. They requited this generous treatment by treachery, rapine, and conquest.

After the white man had come among these Indians with the innovations which we proudly term civilization, the history of the Choctaws and Chickasaws is the history of the subjugation of the red race. Contact with the white man's civilization began the work of extermination and implanted in hitherto trustful breasts the seeds of hatred and revenge. The Chickasaws and Choctaws were fearfully decimated by wars with the Europeans and other tribes. During the early explorations it is said they had 15,000 warriors, while in 1720 the two tribes could muster less than 1,000 fighting men. The Choctaws allied themselves to the French in the war against the Natchez, whom the Chickasaws aided. The two latter tribes were badly beaten. From 1540 to the establishment of the American republic, the Chickasaws and Choctaws were almost constantly at war. As progress followed the star of empire westward, the rights of these Indians, as they understood them, were more and more circumscribed. In 1765 the Chickasaws made their first general treaty with General Oglethorpe, of Georgia, and in 1786, after the colonies had gained their independence, both the Chickasaws and Choctaws made a treaty at Hopewell and were guaranteed peaceable possession of their lands. From the date of this treaty the Choctaws and Chickasaws have kept faith with the Federal government. The Chickasaws, in the treaty of 1834, boast "that they have ever been faithful and friendly to the people of this country; that they have never raised the tomahawk to shed the blood of an American."

As early as 1800 the encroachments of the whites filled these people with a desire to emigrate beyond the Mississippi, and many families did so. In 1803 it was estimated that 500 families had departed, mostly Choctaws. The whole nation would have gone but for the opposition of the Spaniards and the western tribes. In the war of 1812 and the Creek war, the Choctaws and Chickasaws did valiant service for the United States. In 1820 the Choctaws ceded to the government a part of their territory for lands west of Arkansas. The establishment of State governments over their country, to whose laws they were subject, still further dissatisfied the Choctaws and Chickasaws, who, as their treaty put it, "being ignorant of the language and laws of the white man, can not understand nor obey

them." The Choctaws were the first to emigrate. By the treaty of Dancing Rabbit creek, in 1830, they ceded the remainder of their lands, 19,000,000 acres in all, and received 20,000,000 acres in the country west of Arkansas, with \$2,225,000 in money and goods. After the ratification of this treaty nearly the entire Choctaw tribe emigrated to the new lands. Those who chose to remain behind were given allotments by the government, and the residue lands were sold to white settlers. In 1805, 1816, and 1818 the Chickasaws ceded all their lands north of Mississippi on liberal terms. Many of the tribe joined the Choctaw exodus to the west. In 1822 there were 3,625 Chickasaws remaining in Mississippi. In 1832 the Chickasaw nation began negotiations with the United States for the sale of their reservation, consisting of 6,442,400 acres, and the treaty was ratified the following year. The conditions of the sale were that the Government should sell the land to the highest bidder, the Chickasaws to receive the sum so derived, after the expense of the survey and sale had been deducted. It was the purpose of the Chickasaws to seek a new home in the west, whither their neighbors, the Choctaws, had gone; but in case a desirable location could not be procured, or certain members of the tribe should prefer to remain behind, the Chickasaws were allowed to take allotments pending their emigration. The government agreed to furnish funds sufficient to defray the expenses of the journey, and for one year's provisions after their arrival at their new home, the amount thus appropriated to be refunded from the receipts of the sale. The amount received by the Chickasaws from the sale of these lands was \$3,646,000. The Chickasaws determined to create a perpetual fund from the sale of their lands, the money to be invested by the United States, the interest derived therefrom to be used for national purposes. In 1834 the final treaty in reference to the cession of the Chickasaw lands and the removal of the tribe was made at Washington.

The commissioners sent by the Chickasaw nation to seek out a new home in the west entered successfully into negotiations with the Choctaws for an interest in their lately acquired lands beyond the Mississippi. In 1837 a treaty between the two tribes was ratified near Fort Towson, in the Choctaw nation, by which the Chickasaws, for the consideration of \$530,000, were ceded a district in the Choctaw country west of the Choctaw nation proper. The conditions of this sale were that the Chickasaws should participate jointly with the Choctaws in the tribal government, with equal rights and privileges, the land to be held in common by both, neither tribe having a right to dispose of its interest without the consent of the other. Each tribe reserved to itself the right to control and manage its own funds, invested in Washington. The lands set apart for the Chickasaws were known as the Chickasaw district of the Choctaw nation, and members of either tribe were given the privilege of locating in either the Choctaw or Chickasaw countries proper.

During the emigration of the Chickasaws to their new home smallpox broke out, carrying off nearly 700 of the movers. They did not all settle in the Chickasaw district, but many scattered through the Choctaw country.

As a body the Chickasaws did not advance as rapidly as the Choctaws, their large annuities encouraging idleness and improvidence. Their efforts at agriculture were insignificant, such work as there was being performed by slaves. Their first school was not established until 1851. The political relations between the two tribes, under the provisions of the treaty of 1837, were far from amicable, as, instead of equal representation as they expected, they were allowed only in proportion to population, and were therefore a powerless minority, the Choctaws outnumbering and hence outvoting the Chickasaws, thereby controlling the national offices and affairs of the government. The Chickasaws, feeling themselves aggrieved, appealed to the President of the United States, and, on paying \$150,000 to the Choctaws, obtained by treaty of 1855 a political separation from the Choctaws, and a complete title to the Chickasaw district. The Chickasaws then established their own government, and, though closely allied by treaty and other relations to the Choctaws, have maintained an independent government and distinct geographical boundaries.

By a liberal policy extended toward intermarried whites and stockraisers within their boundaries, and through their efforts in the direction of education, the progress of the Chickasaws and Choctaws was gradual until the great civil war. The agents of these nations took sides with the seceding States, and the sympathies of the Indians were naturally with the Confederate states. The Choctaws and Chickasaws furnished several thousand men for the cause and negotiated treaties with the Confederate government. The nations suffered considerably by the war, losing nearly one-fourth of their population, much stock, and of course their slaves. The United States held that by the part taken by the tribal government in the war, they had forfeited all their rights, which were, however, restored under certain conditions, and the treaty of 1866 was made. This treaty, the provisions of which supersede all conflicting provisions of former treaties, is the basis of all laws pertaining to the intercourse of the Choctaws and Chickasaws with the Federal government. The allotment and governmental provisions of the treaty of 1866 have never been complied with, and vexed questions have resulted therefrom.

AN INCIDENT OF THE CHICKASAWS.

PEACOCKS AND WILLOWS—AN INTERESTING HISTORY OF BOTH, BY A MISSISSIPPIAN.

[From the Jackson (Mississippi) State Ledger.]

A gentleman who received the following letter from that distinguished citizen, Colonel James Gordon, thinks it should be published, and so does the State Ledger:

LOCHINVAR, PONTOTOC COUNTY, September 20, 1892.

MY DEAR FRIEND: I send with this letter a fly brush, which I ask you to accept, not for its intrinsic worth, but because the feathers are linked with legends and traditions known only to a few veterans of our Southland, who, like ourselves, find "silver threads among the gold" by far more numerous. Who first imported the peacock to America I am unable to tell, but I send you the feathers of one whose sire was here when the Chickasaw Indians were the masters of the territory of North Mississippi.

When James Madison was President of the United States, the Chickasaw nation of Indians sent an embassy to Washington, headed by their most intelligent chief, Itawamba, afterward better known to the whites as Major Levi Colbert. When Major Colbert visited the White House, Mrs. Madison was so impressed with the noble bearing of the great chief, who was of French descent and possessed all the natural instincts of a gentleman, that she made him a present of a pair of peafowls, whose beauty attracted the admiration of the Indians. These Major Colbert's escort packed back to his home in Mississippi, near the town of Cotton Gin Port, on the Tombigbee river.

The Indian name of the town was Tum-mun-tuc-che (where the bow was strung). The Indian name of the river was Etoombah-eckobie, anglicised to Ettoreckbie, vulgarized to Tombigbee, meaning in Chickasaw wooden-gun maker, named after an old Indian who dwelt upon its banks and made bows, arrows, and blowguns for the Indians who came from the hills of North Alabama to hunt on the prairies. Major Colbert also visited Mount Vernon and brought from the grave of Washington a twig of weeping willow, from which all the weeping willows now in the State were propagated.

There is a romance also connected with the weeping willow. The tree that droops over the grave of the "Father of his Country" was planted at Mount Vernon by Washington's stepson, young Custis, who received it as a present from a British officer whom he met under a flag of truce while acting as aide-de-camp to General Washington. This officer had brought the twig from England, taken from a tree that drooped over the grave of the poet Pope at Twickenham, sent there from a tree that hung over the grave of Homer in

Smyrna, to adorn the grave of the English translator of the "Iliad." The English officer had hoped to have planted it on a confiscated rebel farm, but finding our ancestors more tenacious of their liberties than he anticipated, grew tired of his flower pot, so gave it to young Custis. The original is still to be seen at Mount Vernon.

Major Levi Colbert was an intimate friend of my father, and told him how he obtained his Indian title of Itawamba-Mingo (Bench Chief). When he was a boy not old enough to accompany the braves on their war and hunting expeditions, the Creeks, their hereditary enemies, made a raid upon the defenseless villages of the Chickasaws when their warriors were absent. Colbert, being apprised of their approach, hastily gathered the old men and boys of the tribe and ambuscaded the Creeks so successfully that not one escaped. When the warriors returned they sat young Colbert on a bench, in the center of the council house, and crowned him with laurel, while they bestowed upon him the order of Indian knighthood, with the powers of a chief, and the name of Itawamba-Mingo (Bench Chief).

Before Colbert's death he gave the peacocks presented by Mrs. Madison to my uncle, Josiah N. Watson, who afterward moved to Aberdeen, a city founded by my father, Robert Gordon, a Scotchman, who desired to give it a Scotch name, and called it first Dundee, but the name of the bonny Dundee failed to Americanize, for the "sandlappers" of the Tombigbee insisted on calling the new town Dundy, so my father changed it to Aberdeen, the home of the ancient clan of Gordon, in the Highlands of Scotland, and a name that could not be perverted by American slang.

When my uncle, Josiah N. Watson, moved to the city of Aberdeen he found his peafowls troublesome to his neighbors' gardens, so he sent them up to Pontotoc to his two sisters—my mother and aunt, Mrs. Daggett. The old cock died a few years ago, aged seventy-three. The tail from which this brush was made was plucked from a son of the old Indian peacock, old Itawamba as we called him, now in my possession, aged forty-six years, the proudest and grandest bird that walks in the pride of his beauty among the vermilion hills of Pontotoc.

Your friend,

JAMES GORDON.

MUSKHOGEAN FAMILY.

[From the seventh annual Report of the Bureau of Ethnology, 1890.]

Creeks, Seminoles, Choctaws, and Chickasaws are of this stock.

Muskhogee, Gallatin in Trans. and Coll. Am. Antiq. Soc., II, 94, 306, 1836 (based upon Muskhogees, Hitchittees, Seminoles). Prichard, Phys. Hist. Mankind, v, 402, 1847 (includes Muskhogees, Seminoles, Hitchittees).

Muskhogies, Berghaus (1845), Physik. Atlas, map 17, 1848. *Ibid.*, 1852.

Muscogee, Keane, App. Stanford's Comp. (Cent. and So. Am.), 460, 471, 1878 (includes Muscogees proper, Seminoles, Choctaws, Chickasaws, Hitchittees, Coosadas or Coosas, Alibamons, Apalaches).

Maskoki, Gatschet, Creek *Mig.* Legend, I, 50, 1884 (general account of family; four branches, Maskoki, Apalachian, Alibamu Chahta). Berghaus, Physik. Atlas, map 72, 1887.

Choctaw Muskhogee, Gallatin Trans. and Coll. Am. Antiq. Soc., II, 119, 1836.

Chocta-Muskhogki, Gallatin in Trans. Am. Eth. Soc., II, pt. 1, xcix, 77, 1848. Gallatin in Schoolcraft, Ind. Tribes, III, 401, 1853.*

Chata-Muskoki, Hale in Am. Antiq., 108, April, 1883 (considered with reference to migration).

Chahtas, Gallatin in Trans. and Coll. Am. Antiq. Soc., II, 100, 306, 1836 (or Choctaws).

Chahtahs, Prichard, Phys. Hist. Mankind, v, 403, 1847 (or Choktahs or Flatheads).

Tschahtas, Berghaus (1845), Physik. Atlas, map 17, 1848. *Ibid.*, 1852.

Choctah, Latham, Nat. Hist. Mank., 337, 1850 (includes Choctahs, Muscogulges, Muskhoges). Latham in Trans. Phil. Soc. Lond., 103, 1856. Latham, Opuscula, 366, 1860.

Mobilian, Bancroft, Hist. U. S., 249, 1840.

Flat-heads, Prichard, Phys. Hist. Mankind, v, 403, 1847 (Chahtahs or Choktahs).

Coshattas, Latham, Nat. Hist. Mankind, 349, 1850 (not classified).

Humas, Latham, Nat. Hist. Mankind, 341, 1850 (east of Mississippi above New Orleans).

Derivation: From the name of the principal tribe of the Creek Confederacy.

In the Muskhogee family Gallatin includes the Muskhogees proper, who lived on the Coosa and Tallapoosa rivers; the Hitchittees, living on the Chattahoochee and Flint rivers; and the Seminoles of the peninsula of Florida. It was his opinion, formed by a comparison of vocabularies, that the Choctaws and Chickasaws should also be classed under this family. In fact, he called the family Choctaw Muskhogee. In deference, however, to established usage, the two tribes were kept separate in his table and upon the colored map. In 1848 he appears to be fully convinced of the soundness of the view doubtfully expressed in 1836, and calls the family the Chocta-Muskhog.

GEOGRAPHIC DISTRIBUTION.

The area occupied by this family was very extensive. It may be described in a general way as extending from the Savannah river and the Atlantic west to the Mississippi, and from the Gulf of Mexico north to the Tennessee river. All of this territory was held by Muskhogean tribes except the small areas occupied by the Yuchi, Natchez, and some small settlements of Shawnee.

Upon the northeast Muskhogean limits are indeterminate. The Creek claimed only to be the Savannah river; but upon its lower course the Yamasi are believed to have extended east of that river in the sixteenth to the eighteenth century. The territorial line between the Muskhogean family and the Catawba tribe in South Carolina can only be conjectured.

It seems probable that the whole peninsula of Florida was at one time held by tribes of Timuquanan connection; but from 1702 to 1708, when the Apalachi were driven out, the tribes of northern Florida also were forced away by the English. After that time the Seminole and the Yamasi were the only Indians that held possession of the Floridian peninsula.

Principal tribes.—Alibamu, Apalachi, Chicasa (Chickasaw), Choctaw, Creek or Maskoki proper, Koasati, Seminole, Yamacraw, Yamasi.

Population.—There is an Alibamu town on Deep creek, Indian territory, an affluent of the Canadian, Indian territory. Most of the inhabitants are of this tribe. There are Alibamu about 20 miles south of Alexandria, Louisiana, and over one hundred in Polk county, Texas.

So far as known only 3 women of the Apalachi survived in 1886, and they lived at the Alibamu town above referred to. The United States Census bulletin for 1890 gives the total number of pure-blood Choctaw at 9,996, these being principally at Union agency, Indian territory. Of the Chicasa there are 3,464 at the same agency; Creek, 9,291; Seminole, 2,539; of the latter there are still about 200 left in southern Florida.

There are 4 families of Koasati, about 25 individuals, near the town of Shepherd, San Jacinto county, Texas. Of the Yamasi none are known to survive.

THE FIVE CIVILIZED TRIBES.

[Report of Special Agent Fletcher Meredith on the Cherokee Nation, Five Civilized Tribes, Indian territory, 1890.]

THE HOME OF THE CHEROKEE NATION.

The Cherokee nation of Indians occupies the principal part of the northeast portion of Indian territory, extending south to the great Arkansas river, which is the boundary line of their lands from the state line of Arkansas west and north to a point near Fort Gibson. From near Fort Gibson the line runs north about 25 miles, thence west to the ninety-sixth degree of west longitude, and thence north to the Kansas state line. In this body of land, bounded on the north by Kansas and east by Missouri and Arkansas, there is about 5,031,351 acres. At the extreme northeast corner of this tract, joining the states of Kansas and Missouri and extending west as far as the Neosho river, are the reservations of the Peorias, the Quapaws, the Ottawas, the Modocs, the Shawnees, the Wyandotts, and the Senecas, granted them previous to the location here of the Cherokees and under Quapaw agency.

The Cherokee country is beautifully diversified, the northwestern part being rolling prairie and the southern and eastern portions hilly, mountainous, and covered with forests. The entire body of land is well watered by numerous rivers, streams, creeks, and springs, and is most excellent for farming and stock-raising.

The rivers and streams abound in fish and the prairies and hills and mountains in game. Antelope, prairie chickens, and quail are plentiful on the prairie, while wild turkeys are near the timber, and bear, deer, and black and gray wolves are found in the hills and mountains. Mocking birds, red birds, and cat birds are among the songsters. Hundreds of springs of pure, clear, soft waters break from out the hills and slopes, and others with medicinal and healing properties are numerous, among the latter being those of the chalybeate, saline, and sulphur varieties.

There are also veins of excellent coal lying invitingly near the surface, quarries of good building stone, and in the forests many varieties of the best timber. Fruit, both wild and domestic, is grown with ease and in great quantities wherever the effort is made. I have little doubt but that lead and zinc can be found in the northeastern portion of their lands.

THE CHEROKEE OUTLET.

The Cherokee nation claims to own another body of land lying south of the state of Kansas and extending about 50 miles in width from the ninety-sixth to the one hundredth degree of longitude, except about 2,000,000 of acres which they have sold at different times to the Osages and a half dozen other tribes of friendly Indians. This is mostly covered with grass and would give subsistence to hundreds of thousands of cattle. All of this body of land, together with about 5,000,000 of acres before described, is claimed by the Cherokee nation under a fee-simple title and the patent which was issued to them signed by President Martin Van Buren in the year 1838. It is held by the nation as tenants in common.

The "Cherokee Outlet," so called, is a body of lands adjoining the State of Kansas on the south of about 60 miles in width, west of the ninety-sixth meridian of longitude, or line of the Cherokee nation proper, containing 6,022,754.11 acres, has long been a subject of contention, the Cherokee Indians, on the one hand, claiming an unextinguished title thereto under treaties and a patent in fee-simple executed in 1838, while, on the other hand, parties desiring to settle on these lands claimed that the Cherokee nation had only an easement in the "Outlet" for the purpose of reaching hunting grounds farther west. Under this claim settlers have, from time to time, gone upon these lands, but have been ejected therefrom by the government, as have been cattlemen to whom the Cherokee nation leased the lands, so that at the present time they are practically unoccupied.

A commission was appointed by the President, under and by authority of an act of Congress approved March 2, 1889, to negotiate with all Indians who claimed or owned lands in the Indian territory for the cession thereof to the United States.

After concluding negotiations with other tribes of Indians this commission entered upon negotiations with the Cherokee Indians which resulted in an agreement for the relinquishment of any interest they might have in and to the "Outlet" lands to the United States, including, also, the surrender of any title that they had in and to the lands east of the ninety-sixth meridian not embraced within their home country, amounting in all to 8,144,632.91 acres, for the net sum to be paid to the said Indians of \$8,595,736.12.

This has since been confirmed by Congress with certain limitations and restrictions which the Cherokees have accepted. For reference as to title of the Cherokees to the outlet, see Fifty-second Congress, first session, Senate Ex. Doc. No. 63.

CHEROKEE GOVERNMENT.

The government of the Cherokee nation is patterned somewhat after that of the different states. The executive officer is a principal chief. There is also an assistant principal chief, but he does not stand in the line of succession and does not become chief in the event of a vacancy in the principal chieftaincy. In the event of a vacancy by death, removal, or from any cause the assistant acts until the national council causes the vacancy to be filled. He

is also the constitutional adviser of the principal chief. The chief and the assistant principal are elected for four years. The salary of the former is \$2,000 per year, and the latter \$1,000. The principal chief has the veto power over all acts of the council, and it requires a two-thirds majority to override his veto. He must visit every district in the nation at least once in two years. The chief has the appointment of an executive secretary, and as many assistants as are found necessary.

The national council in joint convention elects a national treasurer to serve for four years. His duties and responsibilities are suggested by his official title. The national treasurer's salary is \$1,000 per year.

There is also an auditor of public accounts elected by the national council for a term of two years with a salary of \$400 per year.

There is a supreme court, consisting of 3 members, a chief justice and two associate justices. Their term of office is three years, and one is elected each year by the national council. Their salaries are \$600 per year.

The jurisdiction of the supreme court extends to all civil cases appealed from the circuit courts wherein the amount in controversy exceeds \$100. No appeal lies to the supreme court in any criminal case whatever. The verdict of the jury in a criminal case is final. Only an application to the executive for pardon or commutation of sentence remains for the defendant. In the trial of all criminal cases involving capital punishment one of the supreme judges presides. Each supreme judge is assigned to a circuit composed of 3 districts. The supreme judges hold their office for the term of three years, one term expiring annually on the third Monday of November. They are elected by a joint vote of the two houses of the legislature. The supreme court meets annually on the first Monday in October and continues in session until the docket is disposed of in some way.

In the trial of capital offenses the supreme judge in whose criminal circuit the offense was committed is required to call a special term of court for such trials. He selects the names of 144 persons, qualified electors of each district in the circuit, deposits the same written on small slips of paper in a box; the sheriff then, in the presence of the clerk, draws, by chance, 24 names to be summoned as the venire in the case. The prosecution may challenge 6 and the defendant 6; the remaining 12, if otherwise qualified, try the case. In all criminal trials the verdict of the jury to convict must be unanimous.

Any man can practice law without examination, the license fee for admission being \$10, to be paid to the clerks of the several districts for the use of the nation. No legal knowledge is required by law for the position of judge, the only qualification being citizenship and—votes.

There is a national editor of the Advocate, which is a weekly paper published partly in Cherokee and partly in English. The editor is elected biennially by a joint convention of the two houses of the council, and his salary is \$600 per year. The nation owns the entire plant and it publishes all legal advertisements. All the receipts of the office from any source are accounted for, and the deficit is met by an appropriation out of the national treasury. The editor is allowed a translator, whose salary is \$400 per year.

The principal chief appoints a high sheriff at a salary of \$600 per year, and his duties are similar to those of the warden of a state penitentiary, he being in charge of the national prison located at the capital. The Senate must approve and confirm the appointment of the high sheriff.

The nation is divided into 3 judicial circuits with a judge for each, elected by the people, for a term of four years, and they hold court at stated times in each of the 9 districts. Each district has also a judge, a clerk, a prosecutor, and a sheriff. This district court has a jurisdiction limited to less than \$100 and with an appeal to the circuit courts. The courts of the nation have jurisdiction of cases arising between citizens. If either plaintiff or defendant is not a citizen the case goes to the United States court. An appeal lies from the circuit to the supreme court, and the supreme court has exclusive jurisdiction in cases of contested election and manslaughter, or where the punishment may be death, and one supreme judge is designated by the principal chief to preside at such trials in each of the 3 districts.

The legislative department is composed of two bodies, the senate and the council. Each district, without reference to its size or population, is entitled to a representation of 2 members in the senate, but in the lower house the representation is based on population or votes. The members in both houses are elected for a term of two years. There are 9 districts and 18 senators. The council is composed of 40 members. Each house elects its own officers to serve for a term of two years.

Among the officers of each house of the legislature are included 3 interpreters—1 in the senate and 2 in the house—and all proceedings, motions, the reading of bills, petitions, and all other papers and all speeches must be in both languages. If a member makes a speech or a motion in English, the interpreter repeats it in Cherokee before any action is taken, and if the speech or motion is in Cherokee, the interpreter translates it into English. In the senate the interpreter sits while translating, but in the house he stands. Very few of the members of either house can write and speak both languages. Interpreters are paid the same as members—\$3 per day.

The regular legislative session begins on the first Monday in November, and the time for which members can draw pay is limited to fifty days. They can sit longer, but without pay. The principal chief can convene the legislature in extra session at any time, and they sit till he dismisses them. In an extra session legislation can be had only on such subjects as the principal chief designates.

CHEROKEE REVENUES.

The lands of the Cherokee nation are held in common. Each man controls all he holds as long as the possession continues, but after an abandonment of two years anyone can take possession. This being the case, no tax can be levied and collected on that class of property. In fact, no tax on property of any kind is collected. The revenue of the Cherokee nation has been derived from several sources, all of them furnishing inconsiderable amounts except two: funds invested in United States bonds and the lease money received from the stockmen for the pasturage of the lands west of the ninety-sixth degree of west longitude, the latter arrangement recently terminated. Other sources from which revenue is derived are: Licenses issued to merchants, town commissioners, ferries, lawyers, peddlers, marriage licenses, sales of estrayed stock, royalties on coal, lead, stone, sand, and tax on railroad companies for right of way. "Permitted inhabitants" also pay a monthly license; that is, if a Cherokee citizen hires a noncitizen to work for him, he pays to the Cherokee government 50 cents per month for the privilege, or \$6 per year. A stipulated sum is also paid for the right to cut and put up hay, and the railroad companies pay for the right to make ties.

The amount collected and paid over to the national treasurer during the last year by district sheriffs and clerks for different causes was nearly \$1,300; from town commissioners from the sale of town lots, a little over \$1,100; lawyers' and peddlers' licenses and the royalty on sand, rock, and lead amounted to about \$60; merchants paid over \$1,400 for the privilege of trading among them; ferries across the different rivers paid over \$300, and the coal mines over \$100. About \$350 per year is realized in interest from a fund deposited by the Shawnee tribe when they were incorporated into the Cherokee nation.

Nothing has been received from the right of way and tax on railroads running through the nation. The law of Congress required all railroads, except the Missouri, Kansas and Texas, and the St. Louis and San Francisco, which were allowed to run through free, to pay \$50 per mile for their right of way and \$15 per mile annually forever for the privilege of running their roads and doing business among these people. The Cherokee government protested that this amount was too small and would not receive it, but went into litigation for more. But whether they got more or not, the above amounts are assured and will amount to considerable, as four roads now, and others will soon be wanting to, run through these lands. The revenue from this source will hereafter probably approximate \$5,000 per year, with a probable large increase. From the lease of the large body of lands in the Cherokee "outlet" to the cattlemen \$200,000 per year were realized, but whether this particular source of revenue continues or not, and it is looking decidedly uncertain, there is little doubt but this immense tract of excellent land can always be made available for a large amount of income in one way or another.

The most reliable and permanent source of revenue for the nation is the amount realized from the sale of lands and invested in 5 per cent United States government bonds and held in the United States treasury. These bonds amount to nearly \$2,750,000, and the interest fund amounts to over \$136,000 yearly, which is paid over to the treasurer of the Cherokees and divided pro rata.

THE UNITED STATES COURT.

The courts of the Cherokee nation have jurisdiction over matters of dispute between members of the tribe. This includes all who are enumerated as members of the tribe, and the intermarried whites so rank. These courts, as has been heretofore remarked, are modeled after those of the same grade in the different states.

Until 1888 there was no way of settling a civil case except by a decision of the United States Indian agent of the five tribes, when the dispute was between a member of the tribe and an outsider who was residing in the Cherokee nation under a permit or who came into the Cherokee nation temporarily, or between two outsiders. The higher crimes were tried at the federal court at Fort Smith, Arkansas. In 1888 Congress established a court at Muscogee, and gave it jurisdiction over all matters involving \$100 and upward, but left criminal matters as they were before, thus leaving misdemeanors arising among 125,000 whites and negroes in the Indian territory unnoticed. All disputes about money matters under the amount of \$100 were left with no place in which to try them. These people had business daily with the 60,000 Indians or claimants, and matters between them had no court in which to settle their differences. Here were nearly 200,000 people with no forum in which to settle their affairs which had to be settled speedily or would lead to disputes which would bring the higher crimes into active operation. So in the following year, 1889, Congress declared that among these people the misdemeanors and several grades of felonies should be tried at the Muscogee court, and, without taking time or trouble to specify how or which, it declared certain provisions of the Arkansas laws should be in force as nearly as, or when, practicable. Three commissioners were provided for in the Cherokee nation. But the law failed to provide for the trial of causes before these commissioners, and the United States court at Muscogee held that they could only hold preliminary examinations and discharge or bind over and not punish. In civil cases these commissioners can try all cases when the amount in controversy is under \$100, except cases of forcible entry and detainer, with the right of appeal to the United States court at Muscogee.

For a violation of the Arkansas Sunday laws or a case of violation of the statute of that state prohibiting profane swearing, even where the fine was only \$1, must go to Muscogee for trial before the United States court.

The result was that, instead of relieving that court, it has precipitated over 1,700 criminal cases into it from the three Cherokee divisions, and it is safe to say that of these 1,700 cases four-fifths should have been tried and finally settled before the commissioners, who are justices of the peace and notaries public. But those cases, such as would be heard and settled by a justice of the peace in the states, by a common neighborhood squire, are sent over to the next term of the United States district court at Muscogee from the Cherokee nation, taking with it parties, witnesses, and attorneys, and, besides entailing big expense to the United States government, making unnecessary trouble and expense for everybody connected with the case. In Arkansas and in all the other states courts are seldom more than a half day's travel from any part of the country, while here it is often over 100 miles away.

There should be some means provided to try forcible entry and detainer where the case arises. The oaths and applications in probate matters ought to be made at home. An act of Congress started the mechanic's lien in full blast, and in less than a hundred lines afterward declared that "no writ of attachment shall issue while lands are held by Indian nations in common, except where railroads or money corporations are involved."

In whisky cases and in many other cases the criminal is liable to have a writ from a Muscogee commissioner and Fort Smith commissioner issued and out for him at the same time. The higher grades of misdemeanors should be tried by a federal judge sitting in the Cherokee capital; the lower grades by the commissioners near the place where committed.

The average member of Congress may think he has fixed things up nicely here, but if his attention were called to the enormous bills of costs, mostly useless, paid by the United States government, to say nothing of the trouble, he would certainly try to devise a remedy. All that would be necessary is to give the commissioners authority to try all petty misdemeanors, empaneling a jury of the vicinage if necessary, with the right of appeal and power to bind over in cases when it might be thought necessary, or, to state the case more briefly and simply, give the commissioners the powers of a common justice of the peace in the states.

If this were done, large amounts could be saved to the United States government in the way of costs, large expense and trouble could be saved to the inhabitants of the Cherokee nation, and the present system, which is a travesty and burlesque on justice, reason, and common sense, would no longer disgrace the originators of the system or the government.

MISSIONS AMONG THE CHEROKEES.

The zealous and unceasing efforts of the missionaries of different churches of our land have been directed to the Cherokee people for nearly a century. Other tribes and people have been looked after in a limited way, but the grand effort of civilizing and evangelizing this tribe has been special. The effort is so old and has been so continuous that men who are highly educated, wealthy, and traveled—men who have made grand successes as farmers, mechanics, physicians, lawyers, teachers, politicians, and diplomats, receive the assistance of the charitable and benevolent people of the world as a matter of course. We can see here a people worthy, educated, refined, living in one of the best countries in the world; with a hundred common schools; with national seminaries for both girls and boys; with an asylum for orphans and another for the insane; with a system of republican government consisting of three branches, executive, legislative, and judicial; with a national prison; with parties, politics, and political machinery, receiving its spiritual nourishment from outside sources as a matter of right.

Presbyterians, Baptists, Congregationalists, Methodists, Southern Methodists, Moravians, and probably others, vie with each other in their efforts to "save" and elevate this people, who are richer than their benefactors, are better educated than many of their teachers, and as a community are more moral than those from which their missionaries come. Such a spectacle is not furnished elsewhere probably in the whole world.

The first regularly organized effort at preaching the gospel and instituting schools among the Cherokees of which we have an authentic account was begun in 1803, by Rev. Gideon Blackburn, of Virginia, a Presbyterian, in the eastern part of Tennessee, but Rev. Gotlieb Byhan, a United Brethren minister, began preaching among them in 1801. In addition to preaching, Mr. Blackburn introduced the carding and spinning of wool and flax and the manufacture of cloth. He labored among the Cherokees until 1810, and he left them on account of ill health. When he left several schools were in successful operation. In 1812 and 1813 agents of the Connecticut and Massachusetts missionary societies traveled through the Cherokee country from New Orleans, and their report of the condition of things added much to the zeal and enthusiasm shown in the work, and in the year 1816, Rev. Cyrus Corning was sent by the board of foreign missions and organized a mission, by authority of the Cherokee council, near where Chattanooga, Tennessee, now is. It was called Brainard and began work in 1817. A school was opened by the beginning of the year 1818 and Mr. Corning was joined by Rev. A. Hoyt, Rev. D. Butrick, Rev. William Chamberlain, and Messrs. Williams, Moody, and Hall. Mr. Corning was a graduate of Andover, in the class of 1815.

In 1820, Rev. Alfred Finney, a graduate of Dartmouth college, Rev. Cephas Washburn, and others, joined the forces, and from that time a constant supply of ministers, physicians, teachers, and helpers from Vermont, New Hampshire, Massachusetts, Virginia, and other states kept pouring in to this people as if they were the special pets of the American home and foreign missionary societies, the people of eastern United States and providence, always to be relied on.

In 1827, John Huss, a native Cherokee, joined in the work of teaching, and in 1833 he was regularly ordained as a minister. Stephen Foreman was another of the effective workers, who was educated at the mission schools and labored during a long life in the cause. Catherine Brown, a native girl, began attendance at the Brainard school in 1818, and, after a term, becoming qualified, began teaching. She died in 1823 of consumption. In 1828, the Cherokee Phoenix was established at New Electa, Tennessee, with Elias Boudinot as editor, and it is fair to presume that it did its share to help on the work of civilization, education, and evangelization of this people. At the close of the year 1828 Brainard mission had seven stations, 175 pupils in the schools, and 159 members of the church. The first hymn was translated into Cherokee in 1829, English characters being used to spell the sound of the Cherokee words. Sequoyah's new alphabet was used the following year, 1830, for the publication of 33 hymns and a translation of the gospel of Matthew, 1,000 copies of the volume being printed and circulated. At the close of 1829 there were 180 pupils in the 7 schools and 192 members of the churches. In March, 1830, the mission building at Brainard, with all of its furniture, was destroyed by fire. This loss and the question of removal to the west of the Mississippi retarded the mission work very seriously. A law was passed by the legislature of Georgia about this time making it a penal offense, punishable by from four to six years' confinement at hard labor in the penitentiary, for a white man to live in that part of the Cherokee country claimed by the state of Georgia, unless he had a permit from the governor of that state and had taken oath to support the jurisdiction of the state of Georgia over that territory. This oath the missionaries would not take. Four of the missionary stations and schools were located in Georgia, and many of the missionaries were arrested and subjected to abuses and indignities by the authorities of the state of Georgia, and at least two of them, Rev. S. A. Worcester and a Dr. Butler, were sentenced to a four years' term in the penitentiary and served a year and five months of the time before they were pardoned out by the governor. The supreme court of the United States, to which they appealed, through Chief Justice Marshall, declared the Georgia law unconstitutional, and ordered their release, but the Georgia authorities refused to obey the mandate of the supreme court. The decision of the court was rendered on March 3, 1832, but they were held till January 14, 1833, more than ten months afterwards.

The negotiations and arrangements for the removal of the Cherokees to the west of the Mississippi river, which occupied the years from 1835 to 1838, distributed the missionary work and retarded it seriously. All the churches and schools were broken up and the members separated and scattered. The bitterness engendered by the forced removal of these people from their homes demoralized them, and in many cases undid the work of years of education and reformation.

Missions had been founded among the western Cherokees in Arkansas, in 1820, by Rev. Alfred Finney and Rev. Cephas Washburn, the first called Dwight, about 100 miles below Fort Smith, near the Arkansas river. Another followed near Fort Gibson, called the Union mission, and still another called Harmony, not many miles northwest of the northwest corner of the state of Arkansas. The mission school opened at Dwight on January 1, 1822.

War with the Osages and the arrival of other parties of Cherokees from east of the Mississippi river kept the western Cherokees in a state of uneasiness that militated against the progress of mission work, both in educating and evangelizing, though much more interest was taken in and encouragement given to schools than to churches. In 1828 the treaty was made which necessitated a removal still farther west. This again unsettled and demoralized the work and discouraged the missionaries and their assistants, but another mission was organized and work begun on Salisan creek, about 35 miles northwest of Fort Smith. The new location, called New Dwight, was opened in 1829. While the schools were moderately prosperous and successful, and the people showed much interest in education, the religious interest still languished. There was not much progress made in this work after this. The events of the enforced removal of the Cherokee people kept up the excitement and distraction of mind until within a few years of the breaking out of the war, when the agitation of the slavery question was added to the other causes of want of success, and in 1860 the board of foreign missions relinquished the work and abandoned the field. During the war and for some time after the Cherokee people were divided by contending factions, but with the formation of the Downing party, in 1866, quiet was in a great measure restored, and the work was resumed under the care of the board of home missions.

The results of the work of education and evangelization among this people are, that the Cherokees are on an average with the people of the United States as to education and religion, and in advance of the whites immediately on their east and south. Notwithstanding the embarrassments caused by their anomalous condition in reference to their property, holding their lands in common, and no property subject to a tax, they have schools of considerable merit and efficiency. As was stated in the beginning of this report, the church work is in the hands of people outside of the nation, or of people sent here by those outside. There are many native men and women engaged in the mission, church, and school work, but they are generally under the direction of organizations outside of the Cherokee nation.

CHEROKEE POLITICS.

The political issues in the Cherokee nation are not so much principles as persons. John Ross was chief for a total period of years before and after crossing the Mississippi river, and before and after the union of the eastern and western Cherokees into the present nation. He seemed to rule with a strong hand and his

administration was imperial and autocratic rather than republican or representative. He led the remaining Cherokees from the east to the west of the Mississippi. About a third of the nation had already gone over and were under the chieftaincy of John Jolly, when John Ross was elected chief of the United Cherokees and ruled uninterruptedly till the breaking out of the civil war. When that happened Ross proclaimed a neutrality. This lasted till August, when a convention was called and war was declared on the United States and the fortunes of the Cherokee nation were cast with the southern confederacy.

This arrangement lasted till 1863, when early in the year the treaty with the Confederates was set aside and slavery, which had existed in the nation, was abolished. Soon after this nearly all the Cherokees in the Confederate army deserted, many of them joining the Union forces and fighting until the end of the war. After the war the Cherokees were torn by dissensions and factional feeling. The line between those who fought for the confederacy and those who fought for the perpetuity of the Union was kept up and cultivated. In 1867 Lewis Downing, who served in the Union army as a lieutenant-colonel of a Cherokee regiment, became a candidate for principal chief on the platform of peace between the factions and a recognition of that portion of the population that had been in the southern confederacy. Downing was elected over W. P. Ross and served one term; was re-elected, but died after a year's service. The senate elected W. P. Ross chief and he served three years. He was succeeded by Charles Thompson, who served one term of four years. D. W. Bushyhead, an anti-Downing man, was elected chief in 1879 and succeeded himself, serving till 1887, when the Downing party succeeded in electing their candidate, Joel B. Mayes, though the opposition had majorities in both houses of the legislature.

There is no visible line of policy on which the Cherokees are divided. It appears to be only a question of personal popularity of the candidates and the local effects of individual acts of the administration. Neither party advocates the allotment of lands in severalty nor the abandonment of the tribal arrangements. Partisanship becomes very stormy and excitement runs very high. The Indian, even the full-blood, develops into a fine politician and labors and schemes for success equal to a northern or southern ward heeler, but the platform of principles and the relation of parties to the policy of past administrations is not very distinct or intelligible. There is a strong undercurrent of feeling in favor of allotment of the lands and each person holding his land in severalty, but the outspoken advocacy of such a proposition is confined to a very few, and they are very young and educated, or have been away from home, or are not full-bloods.

PARTY MACHINERY.

The convention of each party appoints three committeemen, called "head captains," for each district. Each member of these committees has the duty to appoint an additional member. It is the duty of this committee to ascertain the feelings of the people. How that feeling is to be ascertained in each district rests with the committee of each district. It may be by a primary meeting or convention or it may be by a personal canvass and inquiry. They are expected to learn the sentiments of their constituency and voice them in the national convention called for the selection of candidates for principal chief and assistant chief. They also supervise and direct the political affairs in their respective districts which result in the choosing of candidates for either house of the legislature and are directors and guardians of political sentiment and feelings of those under him.

At the proper time, which is a year before the time for the election of the chief and assistant chief, these delegates, 54 in number, meet at a place designated for their convention. The convention is held near a spring and away from any town or house. The conventions of both parties are held the same day and about 12 miles apart. The occasions are of great moment. Barbecues are advertised and thousands of people, men, women, and children, with tents and blankets, come from all parts of the nation to see and to assist in choosing the candidates. Beeves and other meat are roasted and delivered free and sometimes the meetings last four or five days.

After the candidates are nominated the interest in the campaign subsides till the next spring. The election occurs on the first Monday in August and during the months of May, June, and July things are lively in a political way. Barbecues, public meetings, and regular campaignings, including the effective "still hunt," are worked for all they are worth.

The voting is viva voce, and any male 18 years old has a right to vote if he is a citizen. The rolls of voters are preserved till the meeting of the council in November, when in a joint convention of both houses the vote is canvassed, the result announced, and the successful candidates inducted into office.

But it must not be supposed the Cherokees are innocent of the tricks and ambitions of their more cultivated white brothers. In 1872 the Downing party reelected the chief, the nationals carried the senate and council. Chief Downing died at the end of the first year of his second term, while the senate and council were in session. Instead of submitting the question of another chief to the people for their decision the senate elected its president, W. P. Ross, to the vacancy, and he served the three remaining years of the term. He was a candidate for election at the end of that time, but was defeated by the Downing party, and Charles Thompson, a full-blood, was elected. It may be remarked that Mr. Thompson was the only full-blood ever elected principal chief.

Again in 1887, J. B. Mayes, a Downing man, was elected as principal chief by a small majority over his national opponent. At the same time a small majority of Downing men were elected to the legislature. Between

the election and the sitting of the legislature and the inauguration of the chief, four members of the legislature, all Downing men, died. Chief Bushyhead issued writs of election. The Downing men held these elections illegal and refrained from voting, and national candidates were chosen, making the legislature opposed to the new chief. The new senate declined to meet, organize, and canvass the vote and declare the result of the election. Busyhead held over. At last the friends of Mayes met in a private house, administered to him the oath of office, proceeded to the executive rooms, kicked in a door, and took possession, ejecting Busyhead. The defeated nationals, fearing the Downings, called on the United States government for protection, and an agent was sent with a few of the military from Fort Gibson to straighten out the muddle. The legislature was compelled to meet, but it had an opposition majority in both houses, two-thirds in the senate and only lacking one of the same proportion in the house, when every Downing man was present. The result was that most of the legislation of that session was vetoed by the chief and for lack of the one member nothing could be done.

CHEROKEE LITERATURE.

The Cherokees have not preserved any serious amount of legends or traditions. They have a language that is peculiarly their own with an alphabet of 85 letters, but it is not taught by their schools and very few of their educated men can read, write, or even talk it. The writing is simply a formation with the pen of letters similar to the printed ones. Their alphabet consists of capitals and small capitals only.

While the Cherokees boast of many able men, and their history has much of importance and interest, Cherokee literature consists of the New Testament Scriptures, a few of the psalms and a few hymns, a primer or two, a few tracts, a few books of Cherokee laws, and one-half of the Cherokee Advocate, the national newspaper, published at Tahlequah.

Albert Gallatin, in 1836, wrote of the Cherokee alphabet and its inventor:

Sequoyah, or Guess, as he is commonly called, born ———, died ———, (a) is a native Cherokee, unacquainted with the English language. He saw books in the missionary schools, and was informed that the characters represented the words of the spoken language. Not understanding how this was done, he undertook to make characters of his own for the Cherokee, and at first attempted to have a distinct one for each word. He soon saw that the number would be such as to render that plan impracticable, and discovering that although the Cherokee is eminently polysyllabic, the same syllables variously combined perpetually recurred in different words, he concluded to have a character for each syllable. This he did by listening, with the view to his object, to every discourse held in his hearing, and noting in his own way every new syllable. In a short time he produced his syllabic alphabet, consisting of only 85 characters, through which he was enabled to teach within three weeks every Cherokee, old or young, who desired it, how to write his own language. That alphabet has superseded ours. Several books and a newspaper called the Phoenix, edited by Mr. Boudinot, have been published with those characters, and the Cherokees universally use them when writing in their own tongue. When the first imperfect copy of that alphabet was received at the War Department, it appeared incredible that a language, known to be copious, should have but 85 syllables. The examination of a Cherokee spelling-book, published in our characters by the missionaries, explained what seemed to be a mystery.

It was found that every Cherokee syllable ended in a vocal or nasal sound, and that there were no other double consonants but *tl* or *dl*, and *ts*, and combinations of *s* with four or five different consonants. The language has twelve consonants, including *h*, viz: *g* or *k*, *h*, *l*, *m*, *n*, *qu*, *d* or *t*, *dl* or *tl*, *is*, *w*, *y*, *s*; five vowels, viz: *a*, *e*, *i*, *o*, *u*, and a nasal *ung*. It is obvious that, multiplying the number of consonants (including the *tl*) by the six vowels (including the nasal) and adding to the product the said six vowels, each of which is occasionally a syllable, you have the whole number of possible syllables in the language, those excepted which result from the combination of *s* united to another following consonant, with the six vowels. It would have required about thirty additional characters, if Guess adhering to his principle, had made a new one for each such combination (*sta*, *ste*, etc., *spa*, *spe*, etc.). He gave a strong proof of talent in discovering that he might dispense with those thirty by making for the *s* a distinct character.

When Guess subsequently explained the process of his invention, he said that what had cost him most labor was the hissing sound. Guess' characters amount to 85, viz, 77 as above stated, less one, the syllable *mung* not appearing in the language. Finding that occasionally *k* was pronounced *g*, *d* like *t*, and two distinct aspirations connected with *na*, he has added 8 characters representing the sounds *s*, *ka*, *kua*, *nah*, *ta*, *te*, *ti*, *tla*. It wanted but one step more, and to have also given a distinct character to each consonant, to reduce the whole number to 16, and to have had an alphabet similar to ours. In practice, however, and as applied to his own language, the superiority of Guess' alphabet is manifest, and has been fully proved by experience. You must indeed learn and remember 85 characters instead of 25. But this once accomplished, the education of the pupil is completed, he can read, and he is perfect in his orthography without making it the subject of a distinct study. The boy learns in a few weeks that which occupies two years of the time of ours. It is that peculiarity in the vocal or nasal termination of syllables and that absence of double consonants, more discernible to the ear than to the eye, which were alluded to, when speaking of some affinity in that respect between the Cherokee and the Iroquois languages.

It is true that the original idea of expressing sounds by characters was suggested to Guess by our books; it must be admitted that his plan would have failed if applied to perhaps any other language than the Cherokee; and it is doubtful whether, in such case, he would have ascended to the discovery of one character for each analyzed sound. But it can not be denied that this untaught Indian, in what he has performed, has exhibited a striking instance of the native intelligence of his race.

While there is no literature in the Cherokee language there is none, or almost none, relating to the Cherokees in the English language. Anyone wishing to trace the history of the Cherokee people will be compelled to go to the files of the missionary papers and the diaries and memorandum of the missionaries and teachers who have been with them for so many years. It is impossible to find any reliable printed history of their ablest men. The Cherokee nation furnished thousands of men to both armies during the war of the rebellion, many of them prominent and taking an active part, and while a quarter of a century has passed since that time, nothing of consequence has been written on the subject, and much of what would have been important history has been

irretrievably lost. Their first and greatest chief, John Ross, has been dead nearly a quarter of a century, and no biography of him exists that tells where he was born, the names of his parents, his wives, the number or names of his brothers and sisters, or his children. And this is true of all his successors with possibly newspaper sketches of the two last chiefs. There is no history of this people except such as is necessarily to be found in meager and many times ill-kept official records.

The time and attention of the members of the Cherokee nation, from the cradle to the grave, is taken up with per capita payments, intruders on their lands, and such matters, to the exclusion and obscurity of all else.

THE CHEROKEE SUPREME COURT.

The constitution, adopted in 1825, was the first attempt of the Cherokees to establish a regular form of civil government. Under that constitution the government was divided into three distinct departments—the executive, the legislative, and the judicial. Under this new organization was established the first supreme court of the Cherokee nation. The first chief justice was Jack Martin. His associates were Andrew Ross and Walter S. Adair, who served until the Cherokee laws were suspended in that part of the Cherokee nation now in the State of Georgia. By act of the legislature of that State the laws of Georgia were extended over all the Cherokees within her territorial limits. The seat of government for the whole Cherokee nation east of the Mississippi river from the year 1825 to 1835, the date of the treaty and final cession by the Cherokees of all their lands there, was at New Echota, now in Georgia. After the emigration of the tribe west, in the years 1836 to 1839, the second constitution was adopted on the 6th day of September, 1839.

Under this new constitution the first chief justice was Jesse Bushyhead, father of ex-chief D. W. Bushyhead. His associates were George Hicks, David Carter, Moses Paris, and Thomas Pigg. The next chief justice was George Hicks, who was succeeded by Richard Fields, whose associates were George Hicks, Moses Paris, J. T. Adair, and Stephen Foreman. The next chief justice was David Foreman, with associates J. T. Adair, Lewis Hilderbrand, Riley Keyes, and George Scraper, who were followed by Riley Keyes as chief justice and J. T. Adair and George Scraper as associate justices. This brings the list down to the civil war from 1861 to 1865.

In 1866 the government, including the court, was reorganized. The court under the new constitution was composed of three judges.

Below will be found the names of the different members of the supreme court, with their time of service, beginning with the new constitution, as far as shown by the records:

- 1870. R. B. Daniel, chief justice, and John S. Varn and Red Bird Six Killer, associate justices.
- 1871. John S. Varn, chief justice.
- 1874. Riley Keyes, chief justice.
- 1875. John Adair, chief justice, and John S. Varn and George Scraper, associate justices.
- 1879. E. M. Adair, chief justice, and S. M. Taylor and John Laudrum, associate justices.
- 1880. D. D. Laudrum was an associate justice.
- 1881. Samuel M. Taylor, chief justice, and G. W. Parker and R. M. Wolf, associate justices.
- 1882. R. B. Adair, chief justice, died soon after assuming the office and was succeeded by Samuel A. Bigley, acting chief justice, and J. A. Scales and G. W. Parks, associate justices.
- 1883. J. A. Scales, chief justice, and Samuel A. Bigley and Joel B. Mayes, associate justices.
- 1884. J. T. Drew, chief justice, and D. D. Laudrum and John W. Alberty, associate justices.
- 1885. Joel B. Mayes, chief justice, and John W. Alberty and J. T. Drew, associate justices.
- 1886. J. A. Scales, chief justice, and Roach Young and J. T. Drew, associate justices.
- 1889. John E. Gunter, chief justice, and J. M. Keyes and O. P. Brewer, associate justices.

Hon. J. T. Adair served twenty-four years as supreme judge. He was elected to that high and responsible office very young. He is now 78 years old, is enjoying fine health, and is superintendent of the female seminary at Tahlequah. He is of Scotch descent, connected by blood with the most distinguished families of that name in Kentucky and Virginia. Many others, members of the supreme bench, Martin, Ross, Keyes, Daniels, and Varn, are representative men of some of the most noted families of the Cherokees. Hon. J. B. Mayes, (a) now (1890) principal chief of the Cherokees, is a nephew of the Hon. J. T. Adair.

There has been great progress made both by the bench and bar of the Cherokee nation within the last fifteen years, the practice now being the same as it is in several states. The records now are all kept in the English language, though there is need yet for interpreters in all the courts where there are jury trials.

IMPRESSIONS, SUGGESTIONS, AND RECOMMENDATIONS.

IMPRESSIONS.

My impressions of the Cherokee Indians are not very favorable to that body of our inhabitants. It seems to me that the solicitude of the government for their physical comfort, assisted by the American, foreign, and home missionary societies for their spiritual safety, has not tended to teach the Cherokees, either as a nation or as indi-

^aChief Mayes died in December, 1890.

viduals, either self-reliance or independence. While their treatment by the government and the people has resulted in dwarfing and deforming their intellectual growth, intermarriages among their own tribe has weakened them physically as well as intellectually. There are many men and women among them who are cultured and refined, but their life and condition, location, and surroundings has not been conducive to development of any kind.

The absurd idea that they were a real nation has helped this deformity, and is chargeable largely with their want of growth. They have been encouraged to govern themselves, or to think they were doing so, when their most solemn and dignified acts as such nation depended on the ruling and approval of one man, the Secretary of the Interior, for its life and force. If they had long since been made citizens of the United States, and clothed with the duties and responsibilities of such citizenship; if the absurdity of their land-holdings had been corrected, and enterprising white men been encouraged to go in among them and by example show them how to live, married and intermarried among them, not, as now and heretofore, merely to acquire some of the "property rights" of the Cherokees, they would have been much more advanced.

Their present condition is as absurd and un-American as it is useless and damaging. A language without a literature; a government with no authority; a code of laws with no force; millions of acres of land and not a foot of it that any man can call his own; these are some of the points that strike a practical citizen as absurd in the extreme and make him think that both the government of the United States and the American, foreign, and home missionary societies have not done all they should have done in the matter. The government has only acted in their behalf when forced to do so, and its action has been through the medium of agents who desired rather to earn and draw their salary than to benefit the Indian. Many of the agents, I have no doubt, lacked not only the necessary qualifications in a business way but were neither honest nor decent, while many of the deputy marshals are now of the worst class of men that can be found in the territory.

With no title to his home except by occupancy, the Cherokee has little incentive to industry or home making. With the title of all the land in all the people there can hardly be any local pride or public spirit. After becoming acquainted with Cherokee history and Cherokee affairs it is no longer a matter of speculation why there are no worked roads, no bridges, and no internal improvements.

The effect of the mission work among this people is evident, for they are pre-eminently a religious people. They are Protestants generally, the Catholics not having made much effort to make proselytes among them. Presbyterians, Baptists, Methodists, and Moravians have been with them from the times before the removal west and their work is not complete, and the "missionary" is one of the probably permanent institutions of the Cherokees and the liveliest and most enterprising citizen of that nation, and considers it as quite the thing for the whites to furnish him his spiritual sustenance.

There are among the present Cherokees none of the traditions, legends, and wild, weird, poetical lore that marks the J. Fenimore Cooper romances and the poetry of Longfellow. Their history furnishes instances of heroism, invention, endurance, treachery, assassination, murder, learning, patriotism, diplomacy, and political leadership, but literature is lacking. Sequoyah invented an alphabet and constructed a language, but no Cherokee has utilized it except to translate a part of the Holy Scripture, a few hymns and songs, the imperfect laws of the nation, and part of one weekly newspaper. Their language is not taught in their schools and is not considered either a necessity or an ornament. Sequoyah, who invented the alphabet and constructed their language, signed his English name—George Guess—thus, "X," and no reliable history of their nation or of their leading citizens, their wars or their warriors, their chiefs or their governments, has been made. John Ross, who was the first elective chief of the nation and was the head of the Cherokee nation for forty years, has no biography and no monument to his memory. The full and correct history of the Cherokee Indians would make a large and interesting volume, but the time for procuring the necessary data is, in part, past and no one has improved it. Before long it will be entirely too late to do it effectually.

The Cherokees are less than one-fourth full-blood Indians. Their marriage with the agents, missionaries, and others in the earlier times has been imitated by the Cherokees of a later day, and now the only way to discover the presence of Cherokee blood in many of them is to ask them. Whether this mixing of blood has been to the physical advantage of either one of the races is a question that will bear further investigation, but I do not believe it has. But it will continue, as long at least, as a homeless, motherless white man can acquire "property rights" by marrying an ignorant Indian, or when these conditions are changed.

The average Cherokee is not in affluent circumstances. It is true that there are a number of wealthy men among them, who have fenced large bodies of the best land and farmed and raised stock quite successfully. Others, under the privileges of a tenancy in common, have removed the best of the timber and sold it for their private benefit. But the larger number of the Cherokee people are in only moderate circumstances, while many of them are living in very primitive conditions. The system of per capita payments at irregular times is not encouraging to habits of industry, frugality, or foresight. The idea that seems to pervade all their minds that they are "wards" of the governments, both their own and of the United States, and that they will be taken care of in some way or another, is productive of much want and suffering and of little good.

CHEROKEE DWELLINGS.

The dwellings of the Cherokees are made like those of the whites, and are of almost all sizes, shapes, grades, and materials. There are no wigwams and none of poles covered with skins. The dwellings of the wealthy are few, but are like those of the wealthy whites, either of brick, stone, or wood, while those of the poor are like those of the poor whites. Their farming is primitive and, in a small way, the Cherokees have been civilized so long that they are not Indians except in name, blood, and their treatment by the United States government. The blanket has long ago given place to the "hand-me-down" or tailor-made suits or the overalls, and the "tom-tom" and the "hew-gag" to the piano and the guitar.

ALLOTMENT OF LANDS.

In my opinion, the proper thing to do with the Cherokee Indians is to give each head of a Cherokee family a quarter or a half section of land, to be held by him in severalty, and abolish the present system of their holding the lands in common. As it is now and has been heretofore, the intelligent, active, and thrifty of the population have opened up large farms and have carried on farming on the southern plantation style, the only thing "in common" between them and the others of the population being the title to the land; and of this he, the big farmer, got the sole benefit, many of them holding thousands of acres of the choicest lands while their co-tenants worked for them at moderate wages or existed in cabins on little patches of land in the hills, too thriftless to contend in the race of life with their more energetic neighbors.

Others have fenced several tracts and leased them to different tenants, holding the reversionary interest in these farms and waiting and wishing and expecting for the present status of things to break up, and hoping in the re-adjustment of affairs that they will profit thereby.

Many citizens of other states have gone into the Cherokee nation, married a Cherokee woman, and by the rights thus obtained have proceeded to despoil the forests and to accumulate possession of lands.

The allotment of lands in severalty would necessitate a survey, and a survey might encourage the building or opening of roads and the construction of bridges. The survey should be made to correspond with the surveys of lands in the adjoining states, and after each head of a family had been allotted his piece of land, the remainder should be placed in charge of a commissioner or agent, for sale at an appraised value, on long time at a low rate of interest, after one payment had been made, in manner like the school lands in the different states have been sold. The proceeds of these sales could go into the school fund, poor fund, internal improvement fund, or into a fund for any meritorious and approved purpose.

This should be followed by a prohibition or abolition of per capita payments, and inducements should be offered or influences set to work to have the Cherokees become American citizens and the present farce or burlesque called the "Cherokee National Government," with possibly elective officers, take its place.

The "intruder" question could be settled by allowing this class of population to buy lands as other applicants, and the Cherokee territorial authorities should be authorized to enforce an action for the trespass or ejectment for those unlawfully occupying the lands of the Cherokees.

Some proper tribunal ought to be required to act, and act conclusively, on the question of that large body of American citizens who are now trying to establish their claims to the additional distinction of being possessors of Cherokee blood. I believe that if the prospective "right" of the Cherokee Indian was to end up with one quarter or half section of land, this large army who are hanging on the ragged edge of and worrying the regularly established and unquestionably ordained Cherokee out of his appetite and rest, for fear his usual per capita payment and his anticipated "divy" on the land will be diminished, that this grand army of cormorants and other birds and beasts of prey would largely dissipate and disappear like the dew before the morning sun. There ought to be a way fixed to settle the "claimant" question, even if the present anomalous condition of things is allowed to continue.

Two biographical notes are appended—John Ross and J. B. Mayes.

JOHN ROSS.

John Ross was born October 3, 1790, near Lookout Mountain, Tennessee. His father, Daniel Ross, was a Scotchman and his mother a part-blood Cherokee. He had two brothers and six sisters, and was educated at Kingston, Tennessee. His public career began when he was 19 years old, when he was sent by the Cherokee agent on a mission to the western Cherokees, then occupying territory now included in the boundaries of the state of Arkansas. He served during the war of 1812 as adjutant of a Cherokee regiment, under General Andrew Jackson, that fought in the war against the hostile Creeks in Florida. In 1817 he became a member of the national committee of the council of the Cherokee people, and two years later, at the age of 30 years, was president of the committee, in which capacity he served until 1826. In 1827 he was associate chief of the nation with William Hicks as principal chief, and was president of the convention of that year that framed the first national constitution. In 1828 he became principal chief of the eastern Cherokees, and when, in 1838, they removed to the west, he became principal chief of the united tribe, and held that office till his death, which occurred in Washington on August 1, 1866.

In 1813 he was married to Elizabeth—whose surname is unknown—a full-blood Cherokee woman. With her he lived twenty-six years, and she bore him 5 children, 4 boys and 1 girl. She died February 1, 1839, during the removal of the nation to the west of the Mississippi river and was buried en route, at Little Rock, Arkansas, where her remains still rest.

He was married again in 1845 to Miss Stapler, a Quaker girl, of Wilmington, Delaware, the marriage taking place in the city of Philadelphia, the bride being 19 years of age while the groom was 55. This union continued twenty years, Mrs. Ross dying in 1865.

CHIEF MAYES.

Joel B. Mayes [died December, 1890], at the time of the census the principal chief of the Cherokee nation, was born in the old Cherokee nation in what is now Bartow County, Georgia, October 2, 1833. His father was Samuel Mayes, a white man. His mother was a part Cherokee, a daughter of Wat Adair, whose mother was a full-blood Indian. Chief Mayes removed from the old Cherokee nation in 1837, when he was between 3 and 4 years of age. He was educated in the common school of the nation and graduated at the male seminary in 1856. His father farmed in the mountainous part of the country in the eastern part of the nation, and on his father's farm Joel was raised and became a practical farmer. He taught school for several years, and at the breaking out of the rebellion enlisted as a private in Bryant's battalion, an Arkansas organization. He was soon promoted to the rank of major, and held the positions of quartermaster and paymaster in the first Indian brigade of the Confederate army, and remained in the service till the close of the war in 1865.

After the war he located on a farm on Grand river, and as a farmer, fruit-grower, and stock-raiser, has been very successful. Soon after the war (1868) he was appointed clerk of the district and circuit courts of Cooweeskoowee district, and after serving one term in that capacity in 1870, he was elected judge of the northern circuit, composed of the districts of Cooweeskoowee, (a) Delaware, Saline, and Tahlequah, in which position he served five years. After his term as circuit judge expired he was appointed and served two years as secretary of the commission of citizenship, and then was elected clerk of the national council. While serving as clerk of the national council he was elected associate justice of the supreme court, where he served one year. In 1885 he was elected, by a joint session of the national council, chief justice of the Cherokee nation, where he served two years. In August, 1887, he was the candidate of the Downing party for principal chief, and was elected, taking the office in the month of November, and succeeding Chief D. W. Bushyhead.

In the year 1857, the year after his graduation from the male seminary, he was united in marriage to Miss Martha Candy, a classmate who graduated the same year he did from the female seminary, and who lived only three years. In 1863, during the war, Mr. Mayes was married to Miss Martha McNair, another member of the same class of 1856. This union was of the same brief duration as the first, only lasting three years, when Mrs. Mayes died. In 1873 he married Miss Mary Vann, a lady who was also, like the others, a classmate and graduate of the same year, and who is still living.

Chief Mayes' first wife bore him 1 child, and his second 2, but none of them survived.

DELAWARE INDIANS, CHEROKEE NATION, INDIAN TERRITORY.

By THOMAS DONALDSON, *Expert Special Agent*.

The Delaware Indians residing in and a part of the Cherokee nation numbered in the Census of 1890, 754. The Delawares, at Kiowa, Comanche, and Wichita agency, Oklahoma, numbered 95. This band was once a part of the Delawares now with the Cherokees. They left the main body in 1866, on their removal from Kansas, and joined the Kiowas and Comanches, with whom they now are. At the Delaware payment of September 30, 1891, 808 were found to be living.

The Delawares in the Cherokee nation removed from Kansas in 1866-'67, having sold their lands in that State to the Union Pacific railroad. They bought their present land holdings from the Cherokees, consolidated with them, and became in fact a part of the Cherokees. They reside, in a compact body by themselves, in two districts known as Cooweescoowee and Delaware districts. They are civilized, and all wear citizens' dress. They are thrifty, wealthy for farmers, and most industrious and law-abiding. Much of the data herein relating to them was furnished by R. U. Adams, a Delaware Indian residing at Alluwe, Cherokee nation, Indian territory. He is a cultivated, scholarly man of standing, and is much interested in preserving the history of his people.

The Delawares are the traders and business men of the North American Indians. The Census of 1890 showed that some of them were in almost all western tribes, and that all of them were men of shrewdness and ability.

FULL-BLOOD DELAWARES.

Under date of June 24, 1891, Mr. R. C. Adams, in response to an inquiry answered:

We have quite a number of full-blood Delawares in the Cherokee nation—about 175; 95 of these do not speak English. There are not more than 15 or 20 families who do not speak the Delaware language as well as the English. The Delawares here are

^a This district is frequently given as Cooweescoowee. The Cherokee laws give it Cooweeskoowee.

increasing in number. Many are very old—some 90, 95, and probably 100 years of age. Among the old Delawares are Charles Journey Cake and William Adams, Alluwe; George Scarcoxe, Bartlesville; Charles Armstrong, Codys Bluff; Captain Curlyhead, Bartlesville; Mrs. James Armor, Claremore; Andrew Miller, Colonel Jackson, and Ice Wilson, of Bartlesville.

DELAWARE LAWS.

The Delawares in the Cherokee nation, while now part of the Cherokees, preserve their autonomy and are in fact largely governed by tribal laws and traditions. The Delaware nation of Indians at their reservation in Kansas, in 1862, adopted a series of laws, which now control them in many details. The criminal portion and other details are now superseded by the Cherokee laws. This code of laws, written by a Delaware and adopted by them, was administered by the chiefs and counsellors. Under it they had a national organization, with a clerk, sheriffs, a treasurer, and a jailer. It is given in full. Article VIII illustrates the idea of descent on the female line, and article X is noteworthy. The copy from which this is printed is believed to be the only one in the possession of a white person.

LAWS OF THE DELAWARE NATION OF INDIANS.*

The chiefs and counsellors of the Delaware tribe of Indians, convened at their council-house, on the reservation of said tribe, the eighteenth day of December, A. D. 1862, do hereby adopt the following laws, to be amended as they think proper:

ARTICLE I.

Section 1. A national jail shall be built on the public grounds upon which the council-house is now situated.

Section 2. Any person who shall steal any horse, mule, ass, or cattle of any kind shall be punished as follows: For the first offence the property of the offender shall be sold by the sheriff to pay the owner of the animal stolen the price of said animal and all costs he may sustain in consequence of such theft. But if the offender has no property, or if his property be insufficient to pay for the animal stolen, so much of his annuity shall be retained as may be necessary to pay the owner of said animal as above directed, and no relative of said offender shall be permitted to assist him in paying the penalties of said theft.

For the second offence the thief shall be sent to jail for thirty-five days and shall pay all costs and damages the owner may sustain on account of said theft.

For the third offence the thief shall be confined in jail three months and shall pay all costs and damages as above provided.

Section 3. If any person shall steal a horse beyond the limits of the reserve and bring it within the limits thereof, it shall be lawful for the owner to pursue and reclaim the same upon presenting satisfactory proof of ownership, and, if necessary, receive the assistance of the officers of the Delaware nation. And it is further provided that such officials as may from time to time be clothed with power by the United States agent may pursue such offender either within or without the limits of the reserve.

Section 4. Whoever shall ride any horse without the consent of the owner thereof shall for the first offence pay the sum of ten dollars for each day and night that he may keep the such animal, and for the second offence shall be confined in jail for the term of twenty-one days, besides paying a fine of ten dollars.

Section 5. Whoever shall reclaim and return any such animal to the rightful owner, other than the wrongdoer, as in the last section mentioned, shall receive therefor the sum of two and fifty-hundredths dollars.

Section 6. In all cases of theft the person or persons convicted of such theft shall be adjudged to pay all costs and damages resulting therefrom, and in case of the final loss of any animal stolen, then the offender shall pay the price thereof in addition to the costs and damages as provided in a previous section.

Section 7. Whoever shall steal any swine or sheep shall for the first offence be fined the sum of fifteen dollars, ten dollars of which shall be paid to the owner of the sheep or swine taken and five dollars to the witness of the theft.

For the second offence the thief shall, in addition to the above penalty, be confined in jail for twenty-eight days.

And for the third offence the thief shall be confined four weeks in jail, and then receive a trial and bear such punishment as may be adjudged upon such trial.

Section 8. Whoever shall steal a fowl of any description shall for the first offence pay to the owner of such animal the sum of five dollars.

For the second offence, in addition to the above penalty, the thief shall be confined in jail for twenty-one days.

The witnesses by whom such theft shall be proven shall be entitled to receive such reasonable compensation as may be allowed to him, to be paid by the offender.

Section 9. A lawful fence shall be eight rails high, well staked and ridered. If any animal shall break through or over a lawful fence as above defined and do any damage, the owner of the enclosure shall give notice thereof to the owner of such animal, without injury to the animal. The owner of such animal shall therefore take care of the same and prevent his doing damage; but should he neglect or refuse so to do the animal itself shall be sold to pay for the damages it may have done.

But if the premises be not inclosed by a lawful fence as above defined the owner of the inclosure shall receive no damages, but, should he injure any animal getting into such inclosure, shall pay for any damage he may do such animal.

Section 10. Every owner of stock shall have his or her brand or mark put on such stock, and a description of the brand or mark of every person in the tribe shall be recorded by the national clerk.

ARTICLE II.

Section 1. Whoever shall maliciously set fire to a house shall, for the first offence, pay to the owner of such house all damages which he may sustain in consequence of such fire; and in addition thereto, for the second offence, shall be confined in jail for the term of twenty-one days.

Section 2. Should human life be sacrificed in consequence of any such fire, the person setting fire as aforesaid shall suffer death by hanging.

Section 3. It shall be unlawful for any person to set on fire any woods or prairie, except for the purpose of protecting property, and then only at such times as shall permit the person so setting the fire to extinguish the same.

Section 4. Whoever shall violate the provisions of the last preceding section shall, for the first offence, be fined the sum of five dollars, and pay the full value of all property thereby destroyed; for the second offence, in addition to the penalty above described, the offender shall be confined in the jail for the term of thirty-five days, and for the third offence the same punishment, except that the confinement in jail shall be for the period of three months.

Section 5. Any person living outside of the reserve cutting hay upon the land of one living on the reserve shall pay to the owner of such land the sum of one dollar per acre, or one-half of the hay so cut.

Section 6. No person shall sell any wood on the reserve except said wood be first cut and corded.

ARTICLE III.

Section 1. Whoever shall find any lost article shall forthwith return the same to the owner if he can be found, under penalty imposed for stealing such article for a neglect of such duty.

Section 2. Whoever shall take any article of property without permission of its owner shall pay the price of the articles so taken and receive such punishment as the judge, in his discretion, may impose.

ARTICLE IV.

Section 1. Whoever shall take up any animal on the reserve as a stray shall, within one week, have the description of such animal recorded in the stray-book kept by the council.

Section 2. If the owner of said stray shall claim the same within one year from the day on which its description was recorded, he shall be entitled to take it after duly proving his property and paying at the rate of five dollars per month for the keeping of such animal.

Section 3. The title to any stray duly recorded, and not claimed within one year from the date of such record, shall rest absolutely in the person taking up and recording the same.

Section 4. Whoever shall take up a stray and refuse or neglect to record a description of the same, as provided in section one of this article, shall be deemed to have stolen such animal if the same be found in his possession, and shall suffer the penalties inflicted for stealing like animals. The stray shall also be taken from him and remain at the disposal of the council, and a description of the same shall be recorded in the stray-book.

ARTICLE V.

Section 1. If a person commit murder in the first degree, he shall, upon conviction, suffer the penalty of death.

But if the evidence against him be insufficient, or if the killing be done in self-defence, the person doing the killing shall be released.

Section 2. Whoever shall, by violence, do bodily harm to the person of another, shall be arrested and suffer such punishment as may on trial be adjudged against him, and should death result from such bodily harm done to the person of another the offender shall be arrested and suffer such punishment as may be adjudged against him.

Section 3. Whoever shall wilfully slander an innocent party shall be punished for such slander at the discretion of the judge.

Section 4. Whoever, being intoxicated, or under the influence of liquor, shall display, at the house of another, in a dangerous or threatening manner, any deadly weapons, and refuse to desist therefrom, being commanded so to do and put up such weapons, either by the owner of the house or by any other person, shall, for the first offence be fined the sum of five dollars and pay all damages which may accrue; for the second offence shall be confined in jail twenty-one days and pay a fine of ten dollars, and pay all damages which may accrue; and for the third offence shall be imprisoned in the jail for thirty-five days, be fined twenty-five dollars, and pay all damages as aforesaid.

Section 5. Officers shall be appointed to appraise all damages accruing under the last preceding section, who shall hear all the evidence and render judgment according to the law and the evidence.

Section 6. Whoever shall, being under the influence of liquor, attend public worship, or any other public meeting, shall first be commanded peacefully to depart, and if he refuse it shall be the duty of the sheriff to arrest and confine such person until he becomes sober; and the offender shall pay a fine of five dollars.

Section 7. It shall be the duty of the sheriff to attend all meetings for public worship.

Section 8. No member of the Delaware nation shall be held liable for any debts contracted in the purchase of intoxicating liquors.

Section 9. The United States agent and the chiefs shall have power to grant license to bring merchandise to the national payment for sale to so many traders as they may think proper for the interest of the nation.

Section 10. It shall be unlawful for any person to bring any kind of drinks, except coffee, on or near the payment ground; and any person who shall offend against this section shall forfeit his drinkables and his right to remain on the payment ground.

Section 11. It shall be unlawful for any person to bring within the reserve more than one pint of spirituous liquors at any one time. For the first offence against this section the offender shall forfeit his liquors and pay a fine of five dollars; for the second offence he shall forfeit his liquors and pay a fine of ten dollars; and for the third offence he shall forfeit his liquors and be fined the sum of twenty-five dollars.

Section 12. Any person who shall find another in possession of more than one pint of liquor at one time upon the reserve, may lawfully spill and destroy the same, and shall use such force as may be necessary for that purpose. Should the owner resist and endeavor to commit bodily harm upon the person engaged in spilling or destroying said liquor, he shall be taken into custody by the sheriff, and be punished as an offender against the law.

Section 13. The sheriff may lawfully compel any man, or any number of men, ministers of the gospel excepted, to assist in capturing any person who shall violate these laws.

Section 14. Whoever shall offer resistance, to any capture or arrest, for violating any of the provisions of these laws, shall be punished not only for the original offense for which he was arrested, but also for resisting an officer.

ARTICLE VI.

Section 1. All business affecting the general interest of the nation shall be transacted by the council in regular sessions.

Section 2. All personal acts of chiefs, counsellors, or private individuals, in such matters as affect the general interest of the nation, shall be considered null and void.

Section 3. Whoever shall violate the last preceding section, by undertaking in a private capacity and manner to transact public and national business, shall be imprisoned in the national jail for a period not less than six months nor more than one year, and shall forfeit his place in office or position in the nation, which place or position shall be filled by the appointment of other suitable persons.

Section 4. Counsellors shall be appointed who shall take an oath faithfully to perform their duties to the nation, and for neglect of such duty others shall be appointed to fill their places.

Section 5. Should a counsellor go on a journey, so that it is impossible for him to attend the meetings of the council regularly, he may appoint a substitute who shall act for him in his absence.

Section 6. Certain days shall be set apart for council and court days.

Section 7. The chiefs and counsellors shall appoint three sheriffs, at a salary of one hundred and fifty dollars per annum each; one clerk, at one hundred dollars per annum; and one jailer, at a salary of one hundred dollars per annum, whose salaries shall be due and payable half-yearly, and in case either of the above officers shall neglect or refuse to perform any of the duties of his office, he shall forfeit his salary and his office shall be declared vacant, and another shall be appointed to fill the office.

Section 8. The chiefs and counsellors shall semiannually, in April and October, make an appropriation for national expenses, which appropriation shall be taken from the trust-fund, or any other due the Delawares and paid to the treasury.

Section 9. There shall be a treasurer appointed annually on the first day of April, whose duty it shall be to receive and disburse all moneys to be used for national purposes but the treasurer shall pay out money only on the order of the chiefs and counsellors, and for his services he shall be paid five per cent on the amount disbursed.

ARTICLE VII.

Section 1. It shall be lawful for any person before his or her death to make a will, and thereby dispose of his or her property as he or she may desire.

Section 2. If a man dies leaving no will to show the disposal of his property, and leave a widow and children, one-fourth of his property shall be set aside for the payment of his debts. Should the property so set aside be insufficient to pay all his debts in full, it shall be divided among his creditors pro rata, which pro rata payment shall be received by his creditors in full satisfaction of all claims and demands whatever.

Section 3. If the property so set apart for the payment of debt is more than sufficient to pay all debts, the remainder shall be equally divided among the children.

Section 4. The widow shall be entitled to one-third of the property not set aside for the payment of debts, and the remainder shall be equally divided among the children.

Section 5. If a man die leaving no widow nor children, his debts shall first be paid out of the proceeds of his personal property, and the remainder, if any, with the real estate, shall be given to the nearest relative.

Section 6. Whoever shall take or receive any portion of the property belonging to the widows and orphans shall be punished as if he had stolen the property.

Section 7. The council shall appoint guardians for orphan children when they deem it expedient so to do.

ARTICLE VIII.

Section 1. If a white man marry a member of the nation and accumulate property by such marriage, said property shall belong to his wife and children, nor shall he be allowed to remove any portion of such property beyond the limits of the reserve.

Section 2. Should such white man lose his wife, all the property shall belong to the children, and no subsequent wife shall claim any portion of such property.

Section 3. Should such white man die in the nation, having no children, all his property shall belong to his wife after paying his debts.

Section 4. Should such white man lose his wife and have no children, one-half of the personal property shall belong to him and the other half shall belong to his wife's nearest relatives.

Section 5. Should such white man be expelled from the reserve, and the wife choose to follow her husband, she shall forfeit all her right and interest in the reserve.

ARTICLE IX.

Section 1. No member of the nation shall lease any grounds to persons not members of the nation.

Section 2. Should a white man seek employment of any member of the nation, he shall first give his name to the United States agent and furnish him with a certificate of good moral character, and also a statement of the time for which he is employed and the name of his employer.

Section 3. The employer shall pay all hired help according to the agreement.

Section 4. Any person or persons violating any of the provisions of these laws on the reserve shall be punished as therein provided.

Section 5. All white men on the reserve disregarding these laws shall also be expelled from the reserve.

ARTICLE X.

Section 1. Whoever shall forcibly compel any woman to commit adultery, or who shall commit a rape upon a woman, shall, for the first offense, be fined the sum of fifty dollars and be imprisoned in jail for thirty-five days; for the second offense, he shall be fined one hundred dollars and be confined three months in the national jail, and for the third offense, he shall be punished as the court shall see proper.

SKETCH OF HISTORY OF THE DELAWARE INDIANS.

The following history of the Delaware Indians was written by Mr. R. C. Adams, a Delaware of Alluwe, Indian territory, and is unique in many particulars. He writes June 24, 1891: [His manuscript is printed without change.]

We have no books that I know of, that give any history of our people, and my only way of gaining information is from what I can learn by manuscript or diaries kept by our old people, and which are written in our own language.

A BRIEF HISTORY OF THE DELAWARES.

The Delawares are the remains of a bold, daring, and numerous tribe formerly of the states of Pennsylvania, Delaware, and New Jersey. When there they numbered more than 50,000 people. They called themselves Lenni-Lenape—meaning true men. They began selling their lands to the Dutch as early as 1616 and to the Swedes in 1638 and to William Penn in 1682. The treaty they made with William Penn is known as the great treaty under the elm tree at Shackamaxon, which was never sworn to and never broken. From there (Pennsylvania, Delaware, and New Jersey) they moved up the Susquehanna river and over the Alleghenies, down the Monongahela to Wheeling. Then by treaty in 1789 lands were reserved to them between the Miami and Cuyahoga rivers and on the Muskingum, Kihoga, Cuyahoga, and Upper Sandusky rivers in Ohio.

It is more than likely that the Delawares have been one of the fiercest and most warlike tribes on the American continent. When they were on the Susquehanna, the Catalpa Indians overcame the Shawnees in Virginia and drove them north across the Potomac to the Delawares, where they procured the assistance of the Delawares and killed and then massacred most all the Catalpas. While they were in Ohio they would go south on hunting expeditions as far as the Cherokees' hunting grounds. The Cherokees, to avenge themselves, made war against the Delawares, which lasted more than a year and resulted in a victory for the Delawares, after which the Cherokees granted them free access to a greater portion of their hunting grounds. March 8, 1772, Col. Crawford, with a body of soldiers, marched to Conondiehon, Tuscona (Tuscaroras) county, Ohio, where there was a Moravian mission, in which there were about a hundred Christian (Delawares and Munsie) Indians, surrounded them and drove them into a church, set fire to it, and burned and massacred all except one boy, about 12 or 13 years old, who, in trying to crawl past a sentinel, was discovered, knocked in the head, and scalped and left for dead, but he recovered before day and made his escape to the Upper Sandusky, where he met some Delaware hunters, and one of them killed a black squirrel and put the skin on his head while it was yet warm; it grew there and he lived to be an old man. He joined the Indians the following year in the massacre of Col. Crawford, when he attempted to make another raid on the Delawares. Col. Crawford in 1773 was met at Upper Sandusky by a large body of braves and warriors, who in a short time killed, captured, and routed most all his men. Among those who escaped was Col. Crawford and seven men. They were followed by our braves, who overtook them before day and brought all of them back prisoners. They were killed one by one and tortured to death till none were left save a doctor and Col. Crawford. A vote was cast as to what should be done with them. It was decided to spare the doctor and burn Col. Crawford at a stake, the chief, Wingcond, telling him meanwhile that it was the will of God that he should suffer as he had caused a hundred Christian Indians to do. Delawares went from Ohio to Indiana, and in 1812 joined the Shawnees in the battle of Tippecanoe. In 1818 the Delawares ceded all their lands to the government and removed to Missouri, near the headwaters of the Merrimac and White river, near now Springfield. While there they joined the Tehe band of Cherokee Indians and overcame the Osages, who were on the western boundaries of Arkansas and Indian territory. In 1829 they sold their lands and made a treaty for lands in what is now Kansas, but some of the tribe did not want to go there, saying that the two rivers (Kansas and Missouri) came together near their new lands, looking too much like a white man's pants, and there was a division in the tribe and part of them went to the Indian territory and settled with the Kiowas and Wichitas, where they now are. The Delawares have been moved from time to time, and planted in the midst of new enemies. Their first occupation has always been to take up weapons in self-defense and fight for their new homes, which they had bought. When they got to Kansas they had trouble with the Pawnees, Comanches, Sioux, and other tribes. They lost many people by sickness, brought on by change of climate, and in the wars contending honorably and bravely for the grounds they had passed over to, fighting both the frontier soldiers and other Indians who claimed the lands and in whose midst they had been thrust by the United States; so at last a large and powerful nation, which at one time numbered more than 50,000 people, was reduced to about 1,000 when they removed to Kansas. Their war with the Pawnees and Sioux began in 1835 and lasted till 1837. They were led in most of their battles by a Delaware brave named Thomas Hill, who was also noted for his bravery in the Mexican war, in which he was made captain of a United States company of soldiers. At one time when the Pawnees were surrounded and most all of the warriors killed or captured, eight Pawnee warriors sought refuge under a large rock or small cave, and being well armed made it very difficult to take them, but Thomas Hill jumped off from the top of the cliff above them in their midst and killed all of them with his tomahawk. In the Mexican war, Hill was out with eight Federal soldiers, when a company of Mexican soldiers charged them; he made his men hastily erect a circular fortification or earthenwork out of sand, and awaited the charge, himself staying on the outside. He killed and scalped the Mexican captain and routed the rest without losing a man. For his acts of bravery he was presented with a saddle ornamented with gold and silver, by the United States officers who served with him in the Mexican war. In the late civil war the Delawares furnished 170 soldiers to the Union cause, out of an able-bodied male population of 201. Among them was Capt. Fall-leaf, who was also noted for his bravery, and who captured Capt. Tom Taylor, a Cherokee Confederate captain, near Fort Gibson. In 1866 the Delawares sold their lands in Kansas to the Union Pacific Railroad, and bought lands and a citizenship in the Cherokee nation. After coming to the Cherokee country in 1867, for a number of years there was a strife between the two tribes, in which a number of each were killed. But finally the trouble was settled and now they are on peaceable and friendly terms, save a legal fight, which is pending before the Court of Claims, for a portion of a per capita fund which was paid to the Cherokees by blood, and to which the Delawares claim to be entitled by reason of their being citizens of the Cherokee nation. They paid the Cherokees for 160 acres of land for each individual in the Delaware tribe who had been enrolled upon a certain register made in 1867 by the Delaware agent, and on file in the Office of Indian Affairs, at the rate of \$1 per acre, and in addition to this they paid to the Cherokees \$128,000 as their proportion to the existing Cherokee national funds, which included general funds, school funds, and all of the Cherokee interest, and they are now recognized as Cherokee citizens and have no separate government. They are located in Coo-wee-scoo-wee and Delaware districts, and do not mix very much with the Cherokees. The Delaware children, however, go to the public schools and seminaries.

DELAWARE GOVERNMENT, 1892.

Their chief, who serves for life, either inherits his chieftaincy or is elected by the tribe by acclamation or by the council for some act of bravery he has done. James Connor, late principal chief, now dead, was succeeded by Charles Journeycake, who was assistant chief.

The Delawares have been receiving annually \$60 each, payable semiannually, as trust-fund interest, from money in the hands of the United States, but last Congress a bill was passed to pay the Delawares \$400,000 out of the principal of the trust funds, which will be paid them soon. They number in the Cherokee nation about

800, and are Cherokee citizens. There are probably about 100 Delawares with the Kiowas and Wichitas. Those which are in the Cherokee nation are in much better circumstances than many of the white people in several of the adjoining States. There were in April, 1890, 286 heads of families who owned,

508 houses and improvements, valued at.....	\$389, 103
5,915 cattle, \$14	82, 810
1,814 horses, \$40	72, 560
4,448 hogs, \$3	13, 334
51 reapers and mowers, at \$40; 413 plows, at \$10	6, 170
355 wagons, at \$40, valued at.....	14, 200
792 acres oats, at \$3	2, 376
4,260 acres wheat, at \$5.....	21, 300
16,610 acres corn, at \$3.....	49, 830
Total.....	651, 683

and with 27,878 acres improved lands. In the above estimate the landed interests of the Delawares are not included. Among the Delawares nearly every farmer of any pretensions has an orchard. Among some of them we find some of the best merchants, and there are mills of various kinds owned by them in the different settlements. Their houses are for the most part well built and substantial and their outhouses, fences, and other improvements are well taken care of. No one who has visited the Delaware settlements could fail to note the fact that they are among the most thrifty and intelligent Indians in the entire Indian country. They send representatives to the Cherokee national council. They all wear citizen's dress.

DELAWARE WAMPUM BELT

[By R. C. ADAMS.]

Many hundred years before the white man ever came to what is now the United States a treaty of friendship was made with other Indian nations, and in memory of the event a wampum belt was presented to the Delaware chief, with a copper heart in the center of it. That belt was seen and acknowledged by William Penn, afterwards by British generals, later by General George Washington, and from that down to about forty-five years ago, 1841, by every Indian tribe in the north and east.

In presenting the belt at a grand council the Delaware chief would always hold it out and ask if anyone could detect any change in the heart, whereupon it would be passed from one chief to another and from one brave to another and returned, and each chief would respond that the heart would remain unchangeable and true, although the sinews that held the wampum may have become rotten with age and had to be replaced with new ones. Although a wampum may have fallen off and thereby a figure in it being changed, yet that heart was always just the same. And after exhorting for a time on the subject they would renew their bonds of friendship, smoke the pipe of peace, and depart.

From what I could learn, Captain Ketchum had this wonderful belt when he died, in 1858. I will try and find out where it is or what became of it after his death. But my informer thinks that it is in possession of the Delawares, now with the Kiowas and Wichitas.

HOW THE DELAWARES WENT TO CANADA.

[Notes by WILLIAM ADAMS, an aged Delaware, father of R. C. Adams, of Alluwe, Indian territory, 1892.]

While the Delawares were living in Ohio, on a certain occasion they had a great feast, and were feasting on buffalo, deer, and bear meat. The chiefs of each clan, with their war chief, were there, together with the head chief, and everything going on smoothly and all enjoying themselves, when the bear's feet were passed around (which was considered a great dish and on such occasions were given only to the chief and head men), when the chief of the Wolf clan was slighted on account of the chief of the Turkey clan, who did not think the chief of the Wolf clan came by his chieftaincy through legal inheritance, and purposely took two of the bear's feet. Then the chief of the Wolf clan, being insulted, struck the other chief, and they began to fight, their war chiefs standing by to see fair play. Presently one war chief, seeing his chief under, asked the other war chief to take his chief off, when he replied: "Your chief began the fight, take him off yourself." But the war chief of the Wolf clan insisted that the other war chief should stop his chief, when he answered by burying his tomahawk in his own chief's head, saying: "Now, stop your chief, as I have done." But the war chief of the Wolf clan did not do so, but fled with his chief, and that night left with part of his clan for Canada. After remaining there for a few years part of the clan returned to the tribes, but the remainder, or what there is left of them, are there to-day.

DELAWARE CASH PAYMENT, 1891.

The Delaware payment of the \$557,000 from money belonging to them from sales of land and in the United States Treasury began September 30, 1891, and ended December 4, 1891. Payments in that time were made for five days. United States Indian Agent Leo E. Bennett made the payments.

Payment or division was made to all Delawares who were living March 3, 1891, and all who were born since that time up to September, 30, 1891, 12 m. Each Delaware received \$515. Of this each one paid the attorney a fee of 5 per cent, or \$25 per share, for collecting or obtaining the same from the government. The payment was made in checks to each individual. As the payment was several months later than it was expected, a great many of the Delawares had traded out a good deal of their money before this, and consequently when the payment was made the tribe owed \$127,000.

The pay house had two inclosures around it; one about 50 feet from the house and the other about 200 feet away. No one was allowed inside of either of these inclosures except he had a permit or red ticket in his hat and was of the annuitants, or Delawares, as they were called; then they were admitted, and then only.

Just in front of the pay house a bank was opened in a tent. The cashier, who represented private parties, had each Delaware's name on the ledger and the amount he owed each trader, and when he drew his check he walked into the bank and paid the cashier what he owed the traders and the attorney's fees and received back in check or currency the balance. Outside of the last or large inclosure there were hotels, stands, tables, tents, etc., which made quite a town. Good order prevailed during payments. The Delawares who did not owe the traders too much made good use of their money improving farms, building houses, buying stock, etc. The number drawing money was 840, because all Delawares drew that were living March 3, 1891, or some one for them where dead, and all that were born from that time up to noon September 30, 1891, the number living September 30, 1891, being 808.

DELAWARE CLANS AND DANCES, CHEROKEE NATION, INDIAN TERRITORY.

The following notes on the Delaware clans and dances were furnished by R. C. Adams, the Delaware Indian before noted:

The war dance, it will be observed, has become a social dance, and in fact the most of those noted are now such. Even with this civilized Indian tribe, where a large portion are active churchmen and the rest of highest morality and good citizens, the survival and exercise of ancient forms and customs is most marked.

Some of the dances have lost much of their ancient significance and are merely kept up as relics or for social purposes. Indian dances are now devotional or for amusement. As a race Indians are given to dancing.

DELAWARE CLANS.

There were always, and now are, three clans; with the Delawares each had a chief. The three clan chiefs acted the same as three judges for the whole tribe. In council the opinion of two was taken as final. The clans were always traced from the mother's side, and lived in separate villages in olden times, but now they live all together.

Each chief had his war chief, or head warrior, under him. The clans represent the "Turkey," taken from the feathery kingdom; the "Wolf," taken from the animal kingdom (of beast), and the "Turtle," from the reptile kingdom. Each clan is divided into subclans. The only use of the subclans is to keep parties from intermarrying, as one could rarely marry in his own clan, and in no case in his own subclan. There was always a principal chief, called sachem, who presided over all. His office was inherited.

When the sachem would die, then his oldest male relative, son first, then brother or nephew, would be the sachem. And in the same manner the office of the chief of each clan was inherited.

DANCES OF THE DELAWARES IN THE CHEROKEE NATION, INDIAN TERRITORY, 1890.

The Delawares in the Cherokee nation have a number of dances, devotional or propitiatory in character, which are traditional and preserved mostly by reason of their tribal antiquity. Mr. Adams wrote, February 9, 1892, in regard to them:

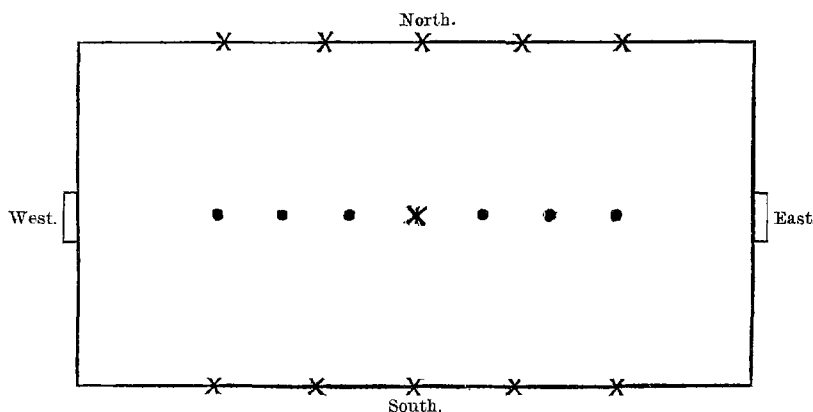
In reply to yours of January 31, I inclose you a description of the skeleton dance, devil dance, buffalo and war dance, and the clans. I also inclose you two other sketches, one of the late Delaware payment and one of a wampum belt which was used as an emblem of a treaty of peace and alliance with other nations. Will give you a description of the other dances next week, as I will have to go and see some of our old men who have taken part in them many times before I can describe them to you. You are correct as to how the name originated; it was given by a white man. The Christian Indians do not join these dances. We have a little over 200 Delaware Indians who are members of the Delaware Baptist Church; we have no other denomination among us. There are about 200 who believe in the old faith and about 400 who do not belong to church, but do not worship the old way.

STOMP DANCES.

"The worship dance" of the Delawares: The peculiar steps which they use in this dance have caused the name "stomp," or stamp, to be applied to it.

WORSHIP DANCE.

In regard to the stomp dances of our people, we have several kinds of such dances. The most important one is the worship dance, which is carried on in a large building called a synagogue or temple, which ranges from 60 to 80 feet long, from 30 to 40 feet wide, and about 10 feet high. It is built of wood, with 2 doors. The main entrance is at the eastern door, and it has only a dirt floor. The diagram shows the shape of the structure or its outlines.



On each post is carved a human face. On the center post, or one in the center of the building, 4 faces are carved; each face is painted one-half red and one-half black. All the people enter at the east and go out the same way. When they come in they pass to the right of the fire, and each of the 3 clans of the Delawares take seats next to the wall, the turtle clan on the south, the turkey on the west, and the wolf on the north. In no case can anyone pass between the center post and east door, but must go around the center post, even to go to the north side of the synagogue.

This dance is held once each year, in the fall and generally in October, in the full moon, and lasts not less than 12 days for each part. The tribe is divided into 3 clans, and each clan has to go through the same part; so the dance is sometimes 36 days long, but sometimes the second and third clans do not dance more than 6 days each.

The turtle clan usually lead or begin the dance. A tortoise shell dried and beautifully polished and containing several small pebbles is placed in the southeast corner near the door in front of the first person. If he has anything to say he takes the shell and rattles it, and an answer comes from the south side of the synagogue from the singers, who strike on a dried deer's hide; then the party who has the tortoise shell makes an address or talk to the people and thanks the Great Spirit for blessings and then proceeds to dance, going to the right and around the fire, followed by all who wish to take part, and finally coming to the center post he stops there; then all the dancers shake hands and return to their seats. Then the shell is passed to the next person, who dances or passes it on as he chooses.

On the third day of the dance, all men, both married and single, are required to keep out of the company of women for three days at least. They have a doorkeeper for the synagogue, a leader, and 2 or 3 parties who sweep the ground or floor with turkey wings, and who also serve as deacons. The ashes from the fires are always taken out at the west door and the dirt is always swept in the fire. In front of the east door outside is a high pole on which venison hangs. It is a feast dance and the deacons distribute food among the people. The officers and waiters are paid in wampum for their services.

In no case is a dog allowed to enter the synagogue, and no one is allowed to laugh inside it or in any way be rude. Each person is allowed to speak and tell his dream or dreams, or to give advice. It is believed by the Delawares that every one had a guardian spirit which comes in the form of some bird, animal, or other thing at times, in dreams, and tells them what to do and what will happen. The guardian spirit is sent from the Great Spirit.

Traditions say that 10 years before white men came to this country, America, a young man told his dream in the synagogue. This was on the Atlantic coast. That he saw coming across the great waters a large canoe with pinions (wings) and containing strange people, and that in 10 years they would in fact come. He told this dream and predicted the arrival of the white men each year until they came and were seen by his people. Many of our people still keep up this dance, but the synagogue is not so large as it used to be and the attendance now is not more than a hundred persons. Any Indian of any tribe can also take part in the dance, but no white man can.

When the dance is over all the people go out of the synagogue and stand in a single line from east to west, with their faces to the south. Then they kneel down and pray and then go home. We do not know the origin of the worship dance, but the old Indians claim that the Great Spirit came many years ago and introduced it and also gave them the wampum. We, the Delawares, also have the bread dance, war dance, dole dance, buffalo dance, and human-skeleton dance. The latter is given only by the wolf clan.

HUMAN-SKELETON DANCE.

[Given only by the wolf clan of the Delawares.]

A superstitious dance given as a memorial to the dead, was supposed to clear a way for the spirit of the deceased to the spirit land. When a member of the wolf clan died, the flesh was stripped from the bones and buried, and the bones were dried at some private place. At the end of 12 days the skeleton would be wrapped in white buckskin and taken to a place prepared for the dance and there held up by some one. As the singers would sing the man who held the skeleton would shake it and the bones would rattle as the dancers would proceed around it. After the dance the skeleton was buried. Traditions say that in ancient times some of the head men in the wolf clan had a dream that they must treat their dead in that way, and the custom has been handed down to them for many centuries. The other clans say the custom does not belong to them. The custom has been long dropped. There has not been a skeleton dance since 1860.

MESSINGQ OR SOLID FACE. (DEVIL DANCE.)

The principal leader in this dance is the Messingq (an Indian), who is dressed in a bear-skin robe with a wooden face, one-half red and one-half black; he has a large bearskin pouch and carries a stick in one hand and a tortoise shell (rattle) in the other. He is a very active person. The dance is only for amusement (and men and women join in it). A large place is cleared in the woods and the ground

is swept clean and a fire built in the center. Across the fire and inside of the ring is a long hickory pole supported at each end by wooden forks set in the ground; on the east of this pole the singers stand; on the west end is a venison (a deer) which is roasted. About day (light), when the dance is nearly over, all the dancers eat of the venison. They have a dried deer hide stretched over some hickory poles and standing around it beat on the hide and sing. The dancers proceed around the fire to the right, the women on the inside next to the fire. After the dance is under headway the Messingq comes from the darkness, jumps over the dancers and dances between the other dancers and the fire. He makes some funny and queer gestures, kicks the fire, and then departs. The Messingq is never allowed to talk, but frequently he visits the people at their homes; he is a terror to little children, and when he comes to a house or tent the man of the house usually gives him a piece of tobacco, which the Messingq smells and puts in his big pouch, after which he turns around and kicks back towards the giver, which means "thank you," and departs. He never thinks of climbing over a fence, but jumps over it every time that one is in his way. The devil dance is what the white men call it, but the Delawares call it the Messingq or "solid face" dance. The Messingq does not represent an evil spirit, but is always considered a peacemaker. I suppose that it is from his hideous appearance that the white men call him the devil.

BUFFALO DANCE.

The buffalo dance is a pleasure dance and always begins in the morning and lasts all day. The ground is made clean in a circle large enough to dance on, and in the center a fire is built and a fork driven into the ground on each side, and a pole placed across the fire east and west. On each side of the fire is a large brass kettle hanging across the pole with hominy in it, and when the dance is nearly over the dancers eat the hominy, dipping their hands in the kettle. The singers are outside of the ring and beat on a dried deer hide stretched over poles. They do not use the same step in the dance, but gallop like buffaloes and bellow like them; also have horns on their heads and occasionally hook at each other. The dance is usually given before starting on a chase.

DELAWARE WAR DANCE.

The war dance is always given in the day time, usually before starting on a war party, and often in times of peace. It is a very beautiful dance, for all the warriors appear in full war gear, with paint, feathers, some with horns on, and their weapons on their persons and in their hands. In time of war a scalp is placed on a pole and the dance is around the pole. The singers are outside of the circle and beat a quicker time than for other dances and sing their war songs, which are answered by the braves with approvals and war whoops. They seem to move with great caution and care, with very wild expressions in their eyes, and looking and watching as if expecting the approach of an enemy at any moment. Then they will make sudden springs to the right or left or backwards or forward, strike at an invisible foe, or dodge an imaginary blow, and suddenly, as if the foe were conquered, resume a slow and cautious march, all the while going around the pole. The action of the dancers is commanded by the war song, for they act out what they sing in time of peace. Instead of a pole with scalps on it a fire is built in the center, and the dance is the same.

SHAWNEES WITH THE CHEROKEE NATION.

June 7, 1869, by agreement with the Cherokee nation, the Shawnee tribe of Kansas became incorporated into the Cherokee nation. The agreement, which was approved by the President June 9, 1869, contained—

That the said Shawnees shall be incorporated into and ever after remain a part of the Cherokee nation, on equal terms in every respect, and with all the privileges and immunities of native citizens of said Cherokee nation.

The Shawnees in the Cherokee nation live generally in close neighborhood and preserve their language and customs. They vote at elections and participate in all affairs of the Cherokee nation on equal terms with other citizens. In 1890 they numbered 694.

FIVE CIVILIZED TRIBES.

[Report of Special Agent William H. Ward on the Creek or Muskogee nation. Five Civilized Tribes, Indian territory.]

The country owned and occupied by the Creek or Muskogee nation of Indians, and confirmed to them by United States patent, is rich in natural resources for farming, herding, mining, and timber. There are no arid lands in the Creek nation. The Cimarron river crosses the northwest corner and the Verdigris and Arkansas rivers traverse the northeast corner. Both the Deep fork and the North fork of the Canadian river flow eastwardly across the nation and empty into the Canadian river proper east of Eufaula, while the South Canadian river forms the southern boundary of the nation. These are all considerable streams with broad valleys, and with their many tributaries they afford an abundant water supply for the nation. Prior to the advent of the Missouri, Kansas and Texas railway the rivers were used as means of transportation. Of the 3,040,495 acres comprising the Creek nation's lands about 70 per cent are tillable, the balance comprising hills generally of lime or sandstone formation covered with timber. Deep belts of timber also grow along the streams, consisting of hickory, ash, pecan, oak, maple, walnut, elm, cottonwood, sycamore, and other varieties. The prairies are covered with nutritious grasses affording excellent range for stock. Of the many thousands of acres of unexcelled farming lands but a small portion is utilized. Rich deposits of coal and iron are known, and specimens of lead ore have been found in different localities, but mining for minerals other than coal is prohibited. The climate is salubrious. The soil is generally of a rich sand loam susceptible of high cultivation, and it responds readily to the efforts of the husbandman.

THE ELEVENTH CENSUS.

Pursuant to telegraphic instructions of July 24, 1890, to meet the enumerators selected for the Creek and Seminole nations at Eufaula, Indian territory, at 10 o'clock a. m. of Monday, July 28, I arrived at that place on Saturday, July 26, and spent the two following days in unpacking and assorting the supplies which I found awaiting me in the post-office.

Of the nine enumerators appointed to take the census of the Creek and Seminole Indians, but one, Mr. W. A. Palmer, reported for duty on the day designated. On Thursday, July 31, two others, Hon. G. W. Stidham and C. W. Garrett, arrived, but there being no official at Eufaula authorized to administer oaths, on consultation it was decided to adjourn to meet at Muskogee on Tuesday, August 5, those still delinquent being notified by mail and wire to appear and qualify at the same time and place. On the day thus designated Enumerators G. W. Stidham, Eufaula district; C. W. Garrett, Muskogee district; William Robinson, Deep Fork district, and James M. Gregory, Coweta district, Creek nation, met at Muskogee, qualified, received their supplies, and entered on duty as enumerators. Mr. Samuel M. Brown and N. B. Moore, previously appointed by your office, failing to appear, the places were subsequently filled by the appointment of Mr. John A. Harrison and Eli E. Hardridge, educated Indians, recommended by officials and citizens as worthy and competent for the work.

Suspicion and distrust seem to be essential integrants to the Indian mind. Any movement out of the usual order is closely scrutinized until they can see some immediate benefit in hand, and this being the first regular census of the Creek Indians, it was exceedingly difficult to make them understand its objects and purposes, and also, as they expressed it, by what authority the United States presumed to interfere or infringe upon their national sovereignty.

Under the most favorable circumstances the sparsely settled condition of the country would have rendered the work of enumeration necessarily slow, but no sooner had the enumerators entered upon their work than in some localities the utmost indifference, and at times positive opposition, was encountered from the Indians, growing out of political dissensions, jealousies, and suspicions that the rights, tribal relations, and so-called national sovereignty were in some way to be compromised. At a public meeting held at Eufaula court-house early in August speakers advised the people to refuse to answer interrogatories or to furnish information to enumerators, assuring their hearers it was a scheme fraught with evil to the Indian and meant opening the country to white settlement, loss of domain, and taxation. This spirit was in turn reechoed by town or clan chiefs and other local officials to such an extent as to not only seriously impede the work, but also to cause several enumerators to resign their positions. So general did this sentiment prevail among the people that on October 12, 1890, Hon. L. C. Perryman, principal chief, sent a message to the Creek council, then in session at Okmulgee, calling their attention thereto and recommending such legislative action as would assist the enumerators in discharge of their duties.

Thereupon the council passed the following concurrent resolution:

Resolved by the house of kings and the house of warriors of the Muskogee nation assembled, That the Muskogee people be, and they are hereby, requested to assist the census enumerators of the United States government in taking a census of the Creek nation by promptly answering such questions and furnishing such information as may be required by said enumerators in the discharge of their duties.

All enumerators were promptly notified of this action of the council, and the press also published the proceedings in full, but owing to the small number of newspapers published in the Creek nation and limited mail facilities, the process of disseminating information was necessarily slow, and it was not until November 1 that the action of the council became generally known and the opposition to the census practically ceased, though a number, and notably the chief of Hickory Ground town (band), were still recalcitrant, and for the purposes of the census "bad Indians."

The unreliability of some of the enumerators selected, who not only neglected their sworn duties but in some instances wholly abandoned the work, contributed in no small degree to embarrass and delay the census of this tribe.

However, the increase of the force authorized by you during your visit to the territory in October greatly expedited operations, without which proverbial Indian procrastination might have prolonged it indefinitely.

CONDITION.

The Creek Indians are classed as one of the Five Civilized Tribes of the Indian territory. They have long since discarded the blanket and most habits and customs of wild Indians for the raiment and, in a measure, the ways of civilization. Enough remains, however, of their former habits and superstitions as to still leave ample room for missionary work and instruction in the usages of civilized life.

The condition of these Indians bears evidence of marked improvement since the close of the civil war, and while many appear to accept civilization under protest, having little ambition except to be Indians, *per se*, and view with distrust any suggestion looking to development of the natural resources of their country and the elevation of their moral and social condition, there remains as large an element of refined and intelligent people as can be found in any community, whose good influences with the less cultured classes is everywhere manifest, and who exercise a most wholesome effect in the management of public affairs.

With the former class, however, many of the superstitions, customs, and habits of uncivilized Indians are still in vogue, presenting at once an odd commingling of civilization and barbarism. While many are professed Christians, frequently with an ardor seldom witnessed elsewhere, yet the influence of the medicine man is still an important factor, transpiring in most unexpected places, oftentimes to the disgust of disciples of the regular schools.

There are not titles in fee simple to realty in the Creek nation. Under their laws all lands are held in common,

and members of the tribe are entitled to as much land as they may fence in and utilize, not exceeding 1 mile square in a single inclosure. The effects of this system are most pernicious. Under it the opulent and enterprising Indians and intermarried noncitizens are enabled to inclose large tracts of the best lands and reap the benefits thereof at a trifling expense, paying no taxes or contributions in any manner to the support of the nation and its institutions.

These Indians are a people of contrasts. Perhaps in no other tribe are they so sharply drawn. Among the about 14,000 constituting the nation proper most all shades and complexions are represented, and the Caucasian fades by gradual descent to the full-blood Indian, Octoroon, and African.

By the terms of the treaty of 1866 the former slaves of these Indians were adopted into the tribe as citizens, and became thereby, to all intents and purposes, Indians. These people, numbering several thousand, have not only demonstrated their adaptability to citizenship, but by industry and thrift they have kept pace with their former masters in the march to civilization, prosperity, and wealth. They constitute a material portion of the progressive element of the nation, take an active interest in education, and their social and economic condition compares favorably with the Indians, with whom many are associated by ties of consanguinity.

EMPLOYMENT.

There are no manufacturing industries in the Creek nation conducted by Indians save a few cotton gins, and these are principally managed by white labor, and with isolated exceptions it does not appear that they have ever manifested an adaptability to mechanic arts. Their women manufacture a few articles in the nature of domestic utensils, such as baskets for gathering and sifters for cleaning corn made from cane splinters, earthen pots, pans, wooden spoons; but they are very crude, having no variety of fashion or handles or covers, and they betray a great want of invention. With the advent of the white trader even these have become obsolete and very scarce. The occupation of the Indian is principally devoted to stock-raising and agricultural pursuits, to which their lands are admirably adapted. But here, as elsewhere, the aversion of the red man to earn his sustenance by physical exertion, as compromising to Indian dignity, is plainly visible.

Some of the more enterprising have large ranches and farms, which are generally leased to white men or freedmen. The wants of the average Indian are few and easily supplied from a few head of stock, which graze at will on the prairies, a few acres of corn to keep him in "sofkey"—Indian hominy—until the next annual "Busk"—green-corn dance (when, having conformed to the mystic ceremonies, he is again permitted by the medicine man to eat green corn), and a log house of one or two rooms to shelter him and his family from the weather.

The educated Indians engage in such pursuits as are best suited to their circumscribed surroundings, and are successful or not in proportion as civilized or uncivilized ways and tastes predominate. Those who have means live in good houses and enjoy the comforts of civilized life; are courteous, social, and hospitable in their intercourse with strangers, yet beneath it all exists a pride of lineage and zealous admiration for the peculiar institutions of their people, which they must know are hundreds of years behind the age.

DECREASE.

That these Indians are decreasing in number can hardly be gainsaid. A historical reference to these people places their numbers in 1827 at 20,600. (Report No. 98, House of Representatives, Nineteenth Congress, second session, 316.) In 1890 an official census, taken under authority of the Creek council, which included adopted freedmen, is a trifle in excess of 14,000, and while it is true that some Creek Indians are still residing in the states of Georgia and Alabama, and others are scattered through Mississippi, Louisiana, and Texas, the whole can not be much in excess of the number of adopted freedmen included in the census above referred to, showing a decrease of over 6,000 in sixty-three years.

As their sanitary condition seems fairly good, and I am informed that no fatal epidemics have prevailed among them for many years, what diseases appear being traceable directly or indirectly to hereditary causes, we are led to the conclusion that change of altitude and climate from the warm timbered regions of Georgia and Alabama to the prairies of the Indian territory; losses because of the civil war, during which their country was depopulated and laid waste and the people driven to the states for refuge, and also too implicit confidence in the skill of the ignorant medicine man, by those who still adhere to their traditional superstitious and customs, have been the main causes contributing to this result.

GOVERNMENT.

The old traditional government of the Creek nation has been gradually changing as the people progressed in civilization ever since they first came in direct contact with the whites, though just when any radical changes, if any, took place, can not now be ascertained.

It is said by some of them that the late civil war, though very disastrous to them, was in a sense a great civilizer, for being compelled to migrate to the states for safety, they learned while there to appreciate the value of republican institutions, which bore fruit soon after the northern and southern Creeks were reunited at the close of the war.

The present republican form of government was instituted in 1867, and is patterned after governments of the several states. Prior to that time the Creeks had few, if any, written laws, and were governed by a system of military chieftainship.

The constitution is a model of simplicity and conciseness. The officers are elected by the people, and hold their respective positions for the term of four years.

The executive department consists of a principal chief or governor, a second chief, an auditor, a treasurer, and a superintendent of public instruction. The law-making power is vested in the council, the upper house of which is styled the house of kings and consists of 48 members. The lower house is called the house of warriors and consists of 98 members—a body larger than the legislatures of many of the states. The pay of the members is \$4.00 per day, and 25 cents per mile each way in going to and returning from sessions of the council. They meet annually, and there is no constitutional limitation to length of sessions. The proceedings are first transacted in English and then translated into the Muskogee language.

The system of clanship, with its inseparable rule of descent, in which the most influential becomes chief with little regard to inheritance, is among the customs that still prevail among these Indians. Aside from their national affairs they retain more of the government by hereditary chieftanship than any other of the Five Civilized Tribes, except it be the Seminoles. There are 48 of these clans or towns, and they have been made the basis of the present form of government; the house of kings being composed of 1 representative from each town, and the house of warriors by 1 representative from each town, and an additional representative for each 200 persons belonging thereto, all of whom are elected by the people. There is no secretary of the nation or officer who officiates in that capacity, and few, if any, records are kept except in the offices of the auditor and treasurer.

The judiciary system consists of a supreme court of 5 members and 6 district judges, who hold court in their respective districts twice a year.

Here, also, very little attention is paid to keeping proper records of proceedings, and business is too often allowed to run at loose ends. Many incidents are cited of decisions rendered in these courts years ago, involving important interests, of which no record appears, and the matters at issue are virtually in as unsettled a condition now as at any time prior to adjudication.

There is a decided improvement in the matter of court records, and in some places more attention is being paid to the importance of preserving a proper registry of judicial proceedings than in former years.

The capital is located at Okmulgee, a small village near the center of the nation, about 40 miles southwest of Muscogee. The capitol building is a very creditable stone structure, 2 stories in height. It was built several years ago at a cost of \$18,000.

Legislation is frequently peculiar and illustrative of Indian character. The whipping post and death by shooting are the favorite modes of punishment for criminal offenses. But one grade of larceny is known to the Creek code, the penalty for the first offense being 50 lashes on the bare back, 100 lashes for the second offense, and death by shooting for the third. As the pardoning power is vested in the principal chief, but few executions have taken place under this law.

With the exception of the United States prison at Muscogee, there are no jails in the Creek nation; offenders under arrest being guarded by the officers (light horsemen) until trial, when, if convicted, execution of sentence usually takes place at once.

Another anomalous provision of Creek law permits any citizen to obstruct a public highway, provided another is opened as near as practicable to the one obstructed. Under this law an Indian recently attempted to appropriate and fence up one of the principal business streets of the town of Muscogee and was only prevented from so doing by the interposition of the United States Indian Agent Leo E. Bennett. In this connection it is proper to state that there are no laws relating to municipal governments in the Creek nation, and all efforts to secure this much needed legislation have, so far, signally failed.

APPEARANCE OF THE PEOPLE.

The men are usually of good size, athletic, and well proportioned. The women are also of good stature but among the full bloods not particularly prepossessing, being as a rule coarse featured and inclined to masculinity, with no attractions to excite admiration. Both sexes dress in civilized attire, but exhibit an infatuation for display of high colors, regardless of combinations or effect. Polygamy is practiced to a limited extent, but not so much as in former years. The Indian race is improved by adulteration. Among the mixed bloods the men are not only well formed, intelligent, and sagacious, but the women also are of good figure, comely, and sensible. They are generally well informed, dress becomingly, possess a high order of morality, and display neatness and taste in management of domestic affairs. The common food of these Indians is "sofkey," a sort of hominy. It is mixed with a small quantity of strong lye and boiled until the corn becomes tender and the whole of a consistency of a thick soup. The lye gives it a tart flavor and preserves it from souring. They keep it constantly standing in large pots or pans, at all times ready for use, and no Indian's bill of fare is complete without it.

AGENCY BUILDINGS.

Union agency, namely, United States agency for the Creeks, Choctaws, Chickasaws, Cherokees, and Seminoles, is located at Muscogee, Creek nation, and occupies a small frame building wholly inadequate to the requirements of the volume of business transacted. The Old Creek agency buildings are situated 3 miles west of Muscogee on a fine elevation, but have not been used for agency purposes since the consolidation of the Five Civilized Tribes into one agency.

Some years ago Rev. I. A. Cain obtained from the Department of the Interior permission to occupy these buildings, free of rent, for educational purposes and he has since conducted therein what he styles the Evangel Mission and Manual Labor School for Freedmen. My information is, that this institution is not under the auspices of any sect or denomination, nor has it any contract with the Creek nation, but is run solely as a private enterprise and hardly worthy of the name of an educational institution. The industries taught are herding stock (property of the superintendent) and hauling wood for boys, sewing and housework for girls. The buildings originally intended as a residence for the agent and employes are ill adapted for school purposes. They are likewise in a dilapidated condition, the present occupant having evidently expended nothing for repairs since taking possession.

CROPS.

Corn, cotton, and oats are the principal crops raised, but experiments with wheat, barley, flax, and other products have demonstrated the adaptability of climate and soil to their successful culture. Fruits and vegetables of all kinds adapted to this climate are successfully cultivated, though little effort is made to propagate them except for home consumption. Owing to the refusal of the railroad companies to furnish statistics of shipments at the several stations, and none being kept by the Indians, it was impossible to obtain statistics of exports of the products of this country.

RAILROADS.

The Missouri, Kansas and Texas railway traverses the Creek nation from north to south near the eastern boundary and the Arkansas Valley road (Missouri Pacific) runs across the northeastern corner. The St. Louis and San Francisco extends into the nation from a point near Sandtown to its present terminus at Sapulpa. The Choctaw Coal and Railroad company have also under contract an extension of their line westward from McAlester, in the Choctaw nation, which is surveyed to cross the Canadian river and enter the Creek nation at a point near the ninety-sixth meridian and run westward through the Seminole nation to Fort Reno. Muscogee, the largest village in the nation, is the seat of the United States court for the Indian territory and Union agency of the Five Civilized Tribes. It is a place of about 1,800 people, has three newspapers, a national bank, a steam flouring mill, and a planing mill, besides other extensive business enterprises. It is the end of two divisions of the Missouri, Kansas and Texas railway, and reputed the most important business center in the Indian territory. It is well supplied with churches, and several educational institutions located here afford excellent school facilities for all classes.

NEWSPAPERS.

There are but four newspapers published in the Creek and Seminole nations, besides which newspapers from other parts of the territory and the states have a very general circulation among the reading portions of these communities and are most valuable aids in disseminating progressive ideas, exercise an influence indispensable to civilization and progress of the people, developing their thinking faculties and awakening a realization of the importance of changing from the old traditional customs to a better and nobler mode of life.

CITIZENSHIP.

The Creek Indians regard intermarried noncitizens as aliens and beyond the pale of their jurisdiction, but allow them the same rights and privileges enjoyed by other citizens, except participation in lands. Adopted citizens are vested with the same rights as native-born Indians.

Under their old régime citizenship was entailed to the issue of the mothers of Creek blood, but with the change of government this custom was abolished. It does not appear from the records of the United States court at Muscogee that any Creek or Seminole Indians have applied for naturalization as citizens of the United States under the act of Congress of 1889.

TEMPERANCE.

As a people the Indians are as temperate and sober as any civilized community. Some indulge in alcoholic drink when they can get it, and with these most any decoction containing alcohol is readily drunk as a beverage. While stringent laws, both federal and local, prohibit its importation into the territory, inordinate greed for gain influences the vicious to risk the penalties for the sake of a few dollars by smuggling liquors through the lines from surrounding states.

Nor are the Indian police or marshals always reliable in matters of this kind; having appetites like other people, frequently venality for the time being is superior to a sense of duty.

TRADITIONS AND LEGENDS.

The origin of the Creek nation, like that of other similar tribes, is shrouded in mystery. They have a tradition, which is generally believed among them, that they are descendants of a once powerful nation which inhabited a country many days' journey to the west, and being defeated in the battle by a foreign invader, a fragment of them found their way eastward. They traveled in bands a day's journey apart, each band camping at night at the same place of the one that preceded it, and from this circumstance certain towns have ever since been recognized as "towns belonging to the same fire," between which a bond of fraternity has always been religiously maintained. It is considered unlawful for members of these towns to play ball or engage in any contest for superiority of powers or skill as against each other. Many educated Indians associate this legend with the overthrow of the Aztecs by the Spaniards in 1520, and claim that as the Creeks never used wigwams or tepees, but lived in towns and built log houses, they are descendants of a race superior to other tribes. They finally settled in the vicinity of the Appalachian tribes of Florida, by whom they were cordially received and were styled Seminoles or wanderers. They maintained friendly relations with their Appalachian neighbors for many years, until, becoming so strong and powerful as to excite their jealousy, wars ensued and finally the Seminoles became masters of the country. Subsequently a portion seceded, emigrated northward, and established themselves as an independent tribe on the Okmulgee and other rivers in what is now the State of Georgia. The Tuccabatchees and other bands soon followed, joined the seceders, and thus the foundation of the Creek confederation was laid. In time they spread themselves over a large extent of country and penetrated westward to the main branches of the Alabama river, where they encountered the Alabama Indians, whom they conquered, and by restoring to them their attachment, they were incorporated into the Creek nation.

The Creeks became famed for their powers in war, and because of a habit of locating settlements along the streams they were distinguished from their ancestors (the Seminoles) by the name of Creeks or Muskogees. They subsequently subdued the Coosadas and Hitchetees; the Uchees, a powerful tribe to the northward, were conquered and enslaved, though afterwards released from bondage and raised to citizenship; the Natchez and Suwanees were voluntary acquisitions. It appears to have been their custom to accord equal liberty and protection to conquered tribes as well as those vanquished by others, and in this way their numbers increased faster by acquisition of foreign subjects than natural increase of the original stock.

The remains of six of these different tribes are found in the Creek nation to-day, some of whom have oral traditions that their ancestors came from South America. Of this element the Uchees have preserved their individuality to a greater degree than any others. They occupy a section of country apart from the other Creeks, do not speak the Muskogee language at all, or, as a rule, intermarry with them. They number about 500 and are less civilized than the other Creeks.

The Tuccabatchee Creeks have two brass and five copper tablets which they esteem so sacred as to keep them secreted from sight, permitting no one to touch them except upon stated occasions, such as the Busk, or annual fruit offering, when they are brought forth from the holy of holies and paraded by the chiefs and headmen with much solemnity and reverence. I was denied permission to view these sacred relics, but obtained from an Indian the following description of them: The two brass tablets are round and about 18 inches in diameter, one of which is stamped A.E. Of the five copper tablets one is about 18 inches long by 6 inches wide, the others being smaller, but all of the same shape—thus, parallelograms, and without an inscription of any kind upon them.

They have a tradition that these tablets were given to their ancestors by the Supreme Being, accompanied by certain laws, to the effect that they must only be handled by certain people and those fasting; and no unclean woman must be suffered to gaze upon them or come near the place of depositary; that there were originally many more of them and of other shapes and sizes, being 4 or 5 feet long, some with inscriptions upon them, but these had long ago been buried with some of their illustrious men; that none of the other towns have any such tablets, but the Tuccabatchees were a different people from other Creeks.

In former times the Creeks, like some other tribes, believed that the human race had its origin in the animal creation, and many of the untutored still adhere to that superstition.

Their bands are named after certain animals, as Wolf-band, Bear band, Dog-band, and each band is supposed to regard the particular animal whose name they bear with much veneration. They regard the rabbit as possessing superior intelligence, and as being the funny man, or as one expressed it, the "Smart Alec" of the animal kingdom.

They regarded an eclipse as the act of a large animal, resembling a frog, endeavoring to eat a piece from the moon or sun, and on such occasions would assemble with arms and tom-toms, fire off their guns, and raise every possible commotion and noise for the purpose of frightening the animal away and thus preserve the equilibrium of day and night.

THE BUSK.

The ceremony of the busk, green-corn dance, is one of the traditional institutions still maintained by these Indians, in which all join in celebrating with much élat.

It is the annual offering of the first fruits of the harvest, and always celebrated at that time, when the corn is ripe and the medicine plant, snakeroot, has reached perfection. The ceremony begins on the morning of the day previously designated by the headmen of the town where the busk is celebrated, and usually continues four days.

The people assemble in gala attire, and at daybreak the principal medicine man, clad in full regalia of his office, repairs to the square and proceeds with much labor to kindle a new fire by the friction of two dry sticks, after which a young man enters from each corner of the square, bearing a stick of wood for the new fire, which they approach with much reverence, placing the ends to the fire in a manner corresponding to the points of the compass. The fire being sufficiently kindled, four other young men enter in like manner, each bearing an ear of green corn, which the medicine man also places with much reverence upon the fire. After it is consumed, four gaily dressed men enter, each bearing some new snakeroot, a portion of which the medicine man likewise consigns to the flames, the balance being at once cooked for use.

During these formalities the medicine man is continually muttering some unintelligible jargon which the superstitious believe is a communication with the Great Spirit. This ceremony over, the faithful assembled around the square proceed to indulge in potions of a decoction of snakeroot which to a civilized stomach is both an emetic and cathartic.

The new fire is then distributed among the people outside the square for general use, and women are permitted to take it to their houses and camps, which have been gaily decorated for its reception, all the old fire having been previously extinguished and ashes carefully swept away to make room for the new. During this time the men keep inside the square and no woman is permitted to enter it.

The second and third days are devoted to fasting, drinking medicine, sleeping, or such amusements as the votaries may elect. All this time, while the men are physicking, the women are bathing, and it is unlawful for any man to touch one of them even with the tips of his finger. Both sexes rigidly abstain from food or sustenance of any kind, and to eat salt is blasphemy. On the fourth day all of the people assemble inside the square, men, women, and children, promiscuously, and the day is devoted to conviviality. Large quantities of green corn and other provisions are collected and cooked by the women over the new fire; an ox is barbecued and given to the public.

In the interior of the square, what but a few hours before was considered consecrated ground is now covered with cooking utensils of every description, quantities of cooked provisions, fruits, etc., of which all partake in general festivity. A game of ball (*a*) is usually one of the features on this day. The evening is spent in dancing around the new fire or in other amusements, and the "busk" is ended. All provisions that remain are considered perquisites of the medicine man.

a CREEK BALL PLAY.

[Eufaula Journal, Eufaula, Creek nation, June 4. 1893.]

HOW THE RED MAN PLAYS BALL.

The long-anticipated Indian ball game was played to-day 18 miles west of Eufaula, and to say there has been exciting times expresses it mildly. Since Sunday Indians and whites were going to the ball grounds from every direction, and when the play started fully 5,000 persons were present. About 8 o'clock the fun commenced and lasted all night. An immensely big fire was built, and the players circled around it and danced and whooped the entire night. The medicine man was on hand, and his medicine was taken at regular intervals, though the players did not state why they used it. This morning bright and early the Indians began to make preparations to play, and at 12 everything was in readiness. There were 50 players on each side. The teams or clubs were stationed about a quarter of a mile apart, and when alarm was sounded they started for their places. After the ball was tossed up in the air it never struck the ground again until the game was finished. The play lasted about 2 hours, the Chelakehokos coming out victorious against the Huthakas. The game is played with two sticks, about 30 inches long, to each player. The Indian goes to the wood and there finds a white hickory sapling that is straight and smooth, which is about 3 inches in diameter and about 7 feet long. He splits this stick open in the center and then shaves it off smoothly with a drawing knife until it is about one-sixth of an inch in thickness. Then he doubles it back and shaves the parts lapping until it is a water joint. Where the pieces lap, the Indian leaves what might be called a cup in the end of the stick, that is about 2 inches in width and 5 inches long, as a receptacle for the ball. Then he shaves the handles round or square, just to suit the owner of the sticks. Small holes are bored at each side of the cup, and in these holes are put dressed buckskin strings, which keep the ball from going through the sticks when caught by the player. The handles are wrapped in places with buckskin strings to keep the cup or bowl in shape. The sticks are then seasoned under shelter so that they will not crack under the heat of the sun, after which they are oiled with deer tallow, kept for that purpose, which makes them very tough. The player has a coon or panther tail, or some other ornament, according as he is clanned. If he belongs to the Tiger clan he wears a panther or wild-cat tail. The Creeks are very clannish, each town clanning together, viz: The Eufaula town, the Coweta town, the Alabama town, and the Tookajarchee town. There are about 48 of these towns in the Creek nation, and they contract to play ball against each other. When a game is matched, they meet at some convenient place on the evening before the game is to be played, and that night they have a "time." The night is spent in singing, dancing, and drinking medicine, as the medicine man directs. Next morning the players are counted and marched up to the grounds, where they are ordered to strip off their clothes and get in readiness. After they have stripped and used the medicine no one is allowed to go near them, as it is claimed it has a bad effect on them and they will not be as active as the medicine man desires. They then paint themselves and march up to the ball poles, which are about 20 feet long. The poles are stuck in the ground, about 4 feet apart, with a bar across. Each town has a set, and they are about 200 yards apart. The contestants meet and lay down their ball sticks on the prairie. The sticks are then counted, so there will be no advantage taken by either side. When the members are all ready, some old warrior steps in the center and makes a rousing speech, which is followed by one of his opponents. These speeches are made to encourage the players. When the speakers are through, the ball is thrown about 20 feet high out in the center of the grounds. The players in what is called the middle ground are not supposed to catch the ball, but knock to their respective sides and let these players catch it. Then it is that the performance gets exciting. After the ball gets in the air every look is on his muscle and grit and is as eager for it as if his life depended on it, in order to throw the ball through their own poles.

The grounds of these ball games are divided into three sections, namely, middle, second, and back grounds. The fleetest players

FISH FRY.

Another traditional ceremony of a very practical nature in vogue among the Creeks, and which, I understand, is also practiced by other tribes of the southwest, is the "fish fry."

In the summer season, when the streams are low and the fish congregate in pools or deep places, a day is set for a grand fish fry, to take place at a certain stream designated, at which all are invited to participate.

Under direction of the medicine man they gather the root of a weed known as "devil's shoe string" (*Tephrosia virginiana*), which on the morning of the day designated is pulverized and thrown into the stream at the upper end of the pool and stirred about with long poles.

The fishermen then lay their bows and arrows in a row upon the ground, where they are anointed by the medicine man by sprinkling with a red stain or paint, after which they go into the stream, where the fish, having become stupefied by the strong, pungent odor of the weed, float upon the surface of the water and are killed with bows and arrows in large numbers.

The fish are then taken to camp, where the women clean and cook sufficient for a grand fish dinner, in which all participate, and the balance are taken home. These "fish fries" are very popular with all classes and largely attended.

BELIEFS.

The traditional beliefs of these Indians were various and diversified, consequent upon the many different elements originally comprised in the Creek confederation, and when questioned about these things they become thoughtful and taciturn or adjure them altogether, skepticism prevailing in proportion as they progress in civilization. Their mythical belief was in a good and a bad spirit, who were supposed to inhabit distant unknown regions.

The former dwelt where the climate was eternal summer, the corn crops a perpetual harvest, streams of pure water flowed forever, and game was plenty. The latter dwelt in a dismal cavern or swamp, where cold, disease, famine, and all the ills that flesh is heir to reigned supreme. They believed that all the evils that happened to them were through the agency of this bad spirit, and to secure the good influences of the former and propitiate the latter was necessary to success in all undertakings.

Their ancestors also believed in the existence of two worlds; the upper one, being a great island which they inhabited, was supported on the back of a mammoth turtle; the lower was in the dark recesses of the great deep and inhabited by huge monsters, with whom the Indians were forbidden to hold intercourse, but of these things only vague and uncertain traditions remain.

RELIGION.

Under the influence of missionary teachings the Indian mind has been gradually led to a general conception of the true God, and in matters of faith the tendency of his mind is toward Christianity.

The several religious denominations among them appear in a prosperous condition, and are represented as follows: The Methodist Episcopal Church, Methodist Episcopal Church North, Baptists, and Presbyterians, all of which have schools or missions located in different parts of the nation, which are doing good work and are well attended.

Unfortunately some of these denominations have arranged their work throughout the Five Civilized Tribes in districts regardless of boundary lines of the several nations, and in such manner as to render it impossible to obtain statistics of membership in the Creek and Seminole nations separately. It is safe to say, however, that about 33 per cent of the whole number of these people located here have abandoned their old superstitions, religious rites, and embraced Christianity in some form.

There are no Roman Catholic missions or churches in the Creek or Seminole nations.

are stationed in the back grounds so they can carry the ball back to their own poles. The tallest players are put in the middle grounds. After the ball has been thrown through one or the other poles it is brought back to the middle of the grounds for another round. It is not counted until it has been thrown through the poles, which very often takes an hour to do when the players are closely matched. The players have laws against handling the ball with their hands, the other side refusing to count anything their opponents make when the ball is touched with the hands, as they are supposed to catch and throw it altogether with their sticks. A ball is never allowed to touch the ground. They have what is commonly called umpires, though they call them judges. Two of them do the counting of the balls thrown through the poles, one from each town. They sit together in a place prepared for them and settle all disputes that arise. Each one has 20 little sharpened pegs about 3 inches long, and when a ball is thrown through the poles by one of the contestants the judge belonging to that side reports to the other that his side is entitled to 1 peg, and with the permission of his opponent he sticks a peg in the ground, keeping this up until the 20 pegs are used up. The judges are very watchful of each other so as not to be cheated or make any mistakes.

The largest clans in the Creek nation are the Huthakas and the Chelakeorkas. Huthakas means partly civilized; Chelakeorkas, savage and untamed. The latter came out victorious to-day. Generally the games are very rough, players sometimes breaking an arm, leg, or skull, and in one instance, several years ago, 4 men were killed outright. To-day, however, no one was seriously hurt, though there were several fights. Visitors came as far as 50 miles and from every direction to see this game. Many sat up all night watching the dancing.

MISSIONARY WORK.

The Presbyterian, Baptist, Methodist Episcopal Church, South and North, denominations are each represented in the missionary work in the Creek and Seminole nations by able, conscientious workers to whose zealous efforts in behalf of the moral and religious training of these Indians is largely due the progress made not only in Christianity but in civilization also. With Christianity comes cleanliness, the tidy home, domestic felicity, and sacredness of the marriage contract. It clothes the idle and vicious with the air of purity and habits of industry, and establishes, on the margin of superstition and ignorance, knowledge, morality, and desire for higher, nobler, and purer things.

SUGGESTIONS AND CONCLUSIONS.

ADMINISTRATION OF JUSTICE.

The jurisdiction of the United States court for the Indian territory at Muscogee extends only to misdemeanors, and the people of the Creek and Seminole countries are often called away 100 miles farther to attend criminal trials for felonies at Fort Smith, Arkansas. There appears no good reason why full jurisdiction should not be conferred upon the Muscogee court to try all causes where one or both parties are citizens of the United States. As good juries are impaneled at one forum as the other, and the proceedings of the court in the territory have proven satisfactory, great inconvenience to people attending a tribunal so far from home would be avoided, and great expense to the United States in mileage of officers, prisoners, and witnesses would be saved. The law should also be amended making the appointment of notaries public by the judge compulsory, except for cause; the number of commissioners should be increased under proper restrictions, and an officer of the court should be ineligible to any other office. I am informed that the present clerk of the Muscogee court also holds several other positions under its jurisdiction, by virtue of which he manages to eke out an income of \$30,000 to \$35,000 annually.

It should be vested with jurisdiction in divorce cases; the granting of alimony and custody of children; should also be clothed with probate powers, or some provision made by which could be settled the estates of noncitizens who die in this country.

Provision should be also made for the right of appeal from the Indian courts to the federal courts under regulations and conditions consistent with the autonomy of the Indian governments. The time is past when these Indians should be considered in any other light than citizens of the United States, and should be protected by and be amenable to its laws and taught to know and respect legal and equitable rights as recognized by courts of justice. So long as their present anomalous condition exists just so long will the millennium of civilization for these people be postponed.

ALLOTMENT OF LANDS.

The prevailing sentiment expressed by these Indians is decidedly adverse to allotment of their lands in severalty, or even to having section lines run, which they construe as a step in the same direction, and while a very considerable number favor such a change they are so hopelessly in the minority and the question itself so very unpopular that one hears but little in its favor, and that in a very guarded manner. Many of the leading spirits, however, recognize that the time is not far distant when their people will have to face the issue and that their present system of tribal autonomy will have to give way to something more in keeping with the civilization of the age, and are preparing themselves accordingly. They comprehend that with the Indian, as with the white man, competence emanates from industry and ownership of the soil, but they are reluctant to risk the uncertainty of the movement for fear of jeopardizing interests or popularity. One element of opposition comes from those who have personal interests at stake, or are making money out of the present anomalous condition of their people. Ownership in common is the traditional custom handed down by their forefathers, from which it would be a sacrilege to depart. But the greatest opposition arises from fear that a division of their lands in severalty means dismemberment of tribal relations, prejudices in favor of their traditional customs being deep seated.

Intermarriage with other races is gradually decreasing the interest of the full Indian in his lands, and the relation of the noncitizen and adopted freedman increases correspondingly, bringing with it more enterprise, new energies, and instituting a condition of surroundings incompatible with Indian ideas and customs. The advent of railways and other enterprises has introduced a large class of noncitizens, who with their families are using the lands often more extensively than the Indians themselves. Notwithstanding these changes are known to the Indians and often commented on by them, it is improbable that they will take any decisive action upon the question of a division of their lands in severalty, until brought face to face with the proposition by some positive action of the government. In a word, here is a community possessing natural elements of wealth sufficient to place them all in affluent circumstances, yet so lethargic or blinded by superstitions, prejudice, and distrust as to refuse to utilize it themselves or permit others to assist them in so doing.

The United States should see to the allotment of the Creek lands, and see that all who are entitled receive a portion. Allotment will force other changes and force the Creeks to be in a line with the civilization of the age.

FIVE CIVILIZED INDIAN TRIBES.

Report of Special Agent WILLIAM H. WARD, on the Seminole nation, Five Civilized Tribes, Indian territory, 1890.

The lands of the Seminole nation lie in a body rectangular in shape, and between the North Fork and main Canadian river, and the Creek nation and Pottawatomie Indian reservation, being about 35 miles long from north to south and 10 miles wide, containing 586 square miles or 375,000 acres unsurveyed.

The land is hilly and broken and generally covered with timber of blackjack and post-oak varieties, except along the streams, where walnut, pecan, maple, ash, hickory, and other varieties abound. There are no arid lands, though on the uplands the soil is thin and fit only for grazing purposes; in the valleys it is rich, deep, and susceptible of a high state of cultivation.

The North Fork and main Canadian on the north and south boundaries, Little river and Wewoka creek running through it in a southeasterly course, furnish the water supply of the country. The first two are considerable streams with broad valleys; the latter are small with narrow valleys and limited flow of water.

There are no railroads intersecting the country at this time, though the Choctaw Coal and Railway company is under contract to be built from McAlester in the Choctaw nation, westward to Elreno, Oklahoma, and will cross the Seminole nation near Wewoka.

The only present means of transportation is by wagon roads along the Canadian rivers, and by a central mail route to Eufaula on the Missouri, Kansas and Texas railway in the Creek nation, distance 65 miles.

THE ELEVENTH CENSUS.

What has already been stated in this report concerning the dilatory action of some of the Creek enumerators applies with even more force to those selected for the Seminole nation.

The sentiment of their people was decidedly adverse to a census like some of the others, and the selected enumerators found a pretext and failed to report at Eufaula on the day designated, July 28, or subsequently, and it was not until I visited that country in person the last of August, that I was able to communicate with them at all, and even then they declined to qualify until the census had been authorized by the Seminole council. It was authorized at a meeting at Wewoka, September 1. Then the two enumerators qualified, but did not enter upon their duties until September 22, following, both being detained at Wewoka until the council adjourned. Their services at all times were characteristic of Indian procrastination; they worked only when the spirit moved and no amount of urging could expedite their movements or produce an average enumeration of more than 23 persons per day.

OCCUPATION.

The Seminoles are mostly engaged in farming and stock-raising, but there are no data to show they have ever raised a surplus of anything for exportation. Within the past 2 years many have given their attention to horticulture, and young orchards are quite numerous. They are generally poor, live in small log houses, frequently without floors or windows. The women labor in the fields equally with the men and as a rule do most of the farm work.

CONDITION.

The Seminoles are the least civilized of the Five Civilized Tribes. Some of the educated ones, however, are exceptionally bright for Indians. They are said to be the original stock from which the Creek confederation was formed. They resemble the Creeks in appearance, speaking substantially the same language and possessing similar habits, customs, laws, and traditions. The men are well formed and good looking; the women, aside from the educated class, which is small, are coarse, thick-necked, slovenly, and unattractive. There are but few white people among them, but the negroes constitute a very considerable portion of the nation, and with whom many Indians are intermarried. The adopted freedmen are the most progressive, and here, as in the Creek nation, enjoy every right of native-born Indians; some of them are quite wealthy, dress well, take an active interest in education and in advancing the moral and social condition of their people.

During the civil war many Seminoles espoused the cause of the confederacy, while others and their colored people remained loyal to the Union, a number enlisting in the national army.

There are no towns or villages of importance in the Seminole nation, the largest being the capital Wewoka, which contains 1 store and post-office, the council house, a small frame structure of 2 rooms, a small steam corn-mill, and cotton gin, and not over 25 people all told.

GOVERNMENT.

Their government is the most primitive of the Five Civilized Tribes, and consists of a principal chief, second chief, treasurer, superintendent of schools, elected by the people, and a council composed of 14 clan chiefs, which acts in a dual capacity as legislature and judiciary. There is no secretary or auditor, or person officiating as such.

NO PUBLISHED LAWS.

They have no published laws, and few if any records are preserved of the legislative or judicial proceedings. What laws they have are written in a book preserved by the chief, and respecting crimes and punishments they are identical with those of their Creek neighbors, save that here the chief is divested of pardoning power.

Of the commercial interests of this country no statistics could be obtained and little can be said, save that the entire business of the nation is substantially controlled by the chief and treasurer, who, besides handling all of the national funds, also own all of the stores and supply the people with merchandise, and virtually make the laws which keep out all competition.

MONEY.

There is very little money in circulation, and duebills issued at these stores, in denominations corresponding to United States coins, pass as currency.

SCHOOLS.

The public schools are 4 in number, and 2 mission schools are institutions of long standing in the Seminole country, are ably officered and conducted, have honorable records, and have accomplished much good for improving the moral, social, and economic condition of these Indians.

MECHANICAL ARTS.

The Seminoles have few ideas of mechanical arts. Like the Creeks, the women formerly manufactured baskets and sifters for gathering and cleaning corn, and a coarse variety of pottery for domestic use; but they were very crude, and with the advent of the trader and better wares the manufacture of even these has been largely discontinued, and their earthenware, especially, is very scarce.

The average Indian has many things to learn and much to forget as he passes from his primitive life into the civilization of his white neighbors. By the fostering care of the Government and kindly assistance of philanthropic people, much has already been accomplished in this direction.

The old Indians do not take kindly to new ideas and ways, but the rising generation gives promise of a better civilization, more in keeping with the age.

Allotment, as with the Creeks, will aid these people and start them toward civilization.

FIVE CIVILIZED TRIBES.

Report of Special Agent JOHN W. LANE on the Choctaw nation, Five Civilized Tribes, Indian territory, 1890.

I have the honor herewith to present my report bearing upon the varied interests of the Choctaw nation as shown by the United States census, taken under my supervision, in the summer and autumn of 1890.

By comparison with the statement made by the Indian commissioner in 1889, it will be seen that the white and colored population of the Choctaw country is increasing at a high per cent, while the Indian population is on the decrease.

The total number as shown by the commissioner's report for 1889, page 202, is, in round numbers, 18,000, including Indians, whites, and negroes. The United States census as just taken foots up a total population, including all classes, of 43,808.

The census of the Choctaw nation taken by the officers of the nation under authority of the council in 1885, as shown by properly attested census returns in the council house, shows the total population for the nation to be 13,281 citizens. These were divided by counties into Indian, white, and negro, as follows:

CHOCTAW CENSUS OF 1885.

COUNTY.	Indians.	Whites.	Negroes.
Total	12,816	427	38
Blue	1,647	90	3
Boktokio	227	1	
Atoka	1,160	70	17
Cedar or Jackson	555		
Eagle	742	2	
Gaines	687	11	4
Jacks Fork	697	6	1
Kiamichi	1,188	55	7
Nashoba or Wolf	792		5
Red River	804	4	
Skullyville	726	38	
Sugar Loaf	738	26	
San Bois	856	35	
Tobucksy	838	83	1
Towson	470	6	
Wade	589		

Grand total, 13,281.

Subtracting the total as shown upon the Choctaw census rolls of 1885 (13,281) from the total as borne upon the United States census rolls of 1890, viz, 43,808, we have a net gain of 30,527. It is not to be presumed that this influx has come during the time of comparison, for the Choctaw census is supposed to show only the national citizens.

It will be seen that the freedmen have increased by a very large per cent. Some of the old Indians (members of the council) inform me that the Choctaw enumeration is very imperfect, especially where it relates to the freedmen. I have noted the rolls as I found them. Hence it will be seen that the pure Indian blood is fast running out and after a few decades none will be left to tell the story of the white man's innovations.

INDIAN FAMILIES.

The Indian families, as a rule, are small. Their habits of life, modes of living, and food consumed do not tend to large increase in population, but quite the opposite. Only a small number of very old people are found among the Indians, showing that a large per cent do not attain to old age, and as the number is shown to be reduced the death rate must be greater than the birth rate.

INDIAN HOMES AND HABITS.

The houses in which the Indians live are for the most part made of logs or of boards singly set up, without plastering or sheeting, and are very open; hence the inmates are not properly protected from the severities of the ever-changing climate. During my stay here there has been much sickness among the people.

I find by visiting the homes of the Choctaws that many of them are without the common comforts of life. Their food consists chiefly of corn, meat, and coffee. Many of them are too indolent or improvident to supply themselves with vegetables. A large per cent use tobacco. A box or two, a bench, and sometimes a rude table are all the articles of furniture in many full-blood homes. A few blankets will be seen piled in one corner of the room from which the supply of bedding for the family is taken when retiring for the night's rest. The family sleep upon the floor.

The entire life is after the fashion of a camper's life. The half-breeds put on more of the modern style of housekeeping, and in proportion as the white blood and education predominate, the people conform to the better styles of civilized life. It is a lamentable fact that a large per cent of the whites crowding into this country and mixing with the Indians have no better habits of life than the Indians; hence the families are not elevated by such association, and whatever of the bad may be associated with the white man or woman is transmitted to the Indian. The higher or refined white men but rarely marry full-blood Indian women, and the same may be said of the female whites. The families of mixed blood are, as a rule, better supplied with home comforts, and greater variety of vegetables is consumed. The full-blood Choctaw is content to live just as his ancestors lived before him.

He does not seem to plan for the future want. He lives for the present alone. He is faithful to obey the injunction, "Take no thought for the morrow," and hence prepares not for the morrow.

In the language of a Choctaw residing in Sugar Loaf county (educated in the states), "The full-blood Indian seems to have no future, intellectually, financially, or morally." He has no plans for development. He gives no thought to such subjects, only as the white blood is made to course his veins. He cares but little for the education of his children, and says that education makes rascals, judging by the tricks he sees performed by the white men who are here to take advantage of the unsophisticated Indian. My visits to the full-blood homes convince me that the pure-blood Indian has made but little advancement in the arts and sciences.

There are few indications of culture or of the fine arts in their homes, churches, or school buildings. The style of architecture in the backwoods of 50 years ago is the style here to-day, notwithstanding this people have lived here for many years and many of them have abundant means to erect good, commodious buildings.

INDIANS AS WORKERS.

If the Indian plans at all it is to avoid manual labor. It is a notorious fact that "the Indian will not work"—I mean the Indian man. The question then arises, how does he maintain himself and his family? Most of the labor performed is by the female members of the family, while the boys and men spend much of the time hunting and fishing.

Many of the Indians derive an income from the proceeds of land improved and held by them, and this leads me to the questions relating to their landed estates and titles by which they hold and occupy their lands. There are about 6,688,000 acres of land held and owned by the Choctaw nation in common, under a treaty entered into by the United States government and the Choctaw nation, Indian and adopted whites, numbering, as the census rolls show, 10,017. If the land were divided pro rata each man, woman, and child would receive about 2,242 acres as their share. If the freedmen should come in for a share at the same rate of division, each man, woman, and child in the nation, recognized as a citizen and freedman, would each receive about 1,574 acres.

HOW LANDS ARE NOW HELD.

As the land differs greatly in a division by value, all would not receive the same number of acres. The rule of occupation at present practiced is for each head of the family or any Indian of legal age (18 years) desiring to have a house or make a farm, to select any site or lands upon the public domain for such house or farm as may suit his fancy, provided any citizen has not made the selection before him and indicated such fact by making some visible improvements; or, secondly, that the said lands selected lie outside a distance of 440 yards from any inclosure occupied and used by any citizen of the Choctaw nation. If the land is desired for a pasture he may fence in one field, 1 mile square, without regard to the points of the compass, and he may hold and own for use as many such pastures as he may have ability to inclose with legal fences. But neither he nor any other person is at liberty to erect a fence nearer than 440 yards from the first-named inclosure. These pastures may be used by the owner or rented for the owner's benefit.

If lands are desired for cultivation the selection is made as before stated, but the size of the farm is only regulated by the desire of the owner or his ability to fence and prepare for cultivation. It may embrace 1 acre or many thousands, and the Choctaw citizen is not limited as to the number of his farms so long as there is land in the public domain to meet the requirements of all, and from present indications the supply will meet the demand for centuries.

The practice with many squaw men and half-breeds is to have opened for cultivation large tracts of land, and cause to be erected small cabins or box houses on each 40 or more acres of the said lands, and then rent the lands to white noncitizens and negroes for a term of one year, as no rental contract can include a longer time.

The occupation right to these farms may be transferred from one citizen to another by bill of sale or verbal contract in the presence of witnesses. They simply transfer the ownership of the improvements, and possession of the land secures the owner under the tribal laws. Some of the squaw men and Indians of mixed blood have large tracts in cultivation and receive large returns annually in rents.

Some parties having the rights of citizens rent from the Indians large tracts of land, and then sublet these lands to white settlers and realize large profits in the transaction.

KINDS AND VALUE OF CHOCTAW LANDS.

I have made a careful survey of the lands in the Choctaw country to ascertain the per cent of the lands that are suitable for agricultural purposes, also for grazing, timber, and mining purposes. I have also made diligent inquiry of men of close observation and good judgment and well acquainted with all sections of the Choctaw nation, and the conclusion reached is that about 20 per cent of the entire country can be profitably devoted to agriculture, while 70 per cent may be regarded suitable for grazing purposes.

The counties bordering on Red river on the south and the Canadian on the north are best suited to agriculture; all creek bottoms or valleys are rich in fertile soils, while the mountains and hills are composed of soils of less productive quality. Most of the uplands are covered with nutritious grass, and cattle, horses, and swine live on the range the entire year. Each Indian freedman and white citizen is allowed by tribal law to hold or own as many cattle and other stock as he may be able to put upon the range or in his pastures, but the noncitizen can not herd upon the public domain for anyone or own more than 10 head of cows, and can only hold the increase of these until they are one year old. This is the established rule, although a section of the Choctaw law says that "a non-citizen is not permitted to raise stock in the limits of the Choctaw country." This country is well adapted to the raising of swine, as they find their entire living in the woods. During the past summer the drought was so severe that the corn crop was almost an entire failure, yet the hogs are well fatted for slaughter, having procured their food in the woods. With many Indian families the only source of revenue is from the swine herd, furs, pelts, and snakeroot. The Indians take otter, beaver, mink, muskrat, coon, opossum, fox, skunk, and deer, all of which abound in this country, and use several of them for food and sell the hides. The squaws dig snakeroot, which finds a ready sale here, and in this way they manage to eke out an existence, and the question as to how these people make their living in this country without labor is in this way answered.

The eastern portion of this nation is very rough and mountainous, and only small tracts can be found suitable for cultivation. These mountain ranges are covered with heavy pine forests.

These forests are yielding to the woodman's ax. Sawmills are in many localities, and millions of feet of pine and walnut lumber are sawed and shipped annually out of this country. Good oak timber is also plentiful in the Choctaw nation and many ties are cut and exported.

TIMBER DESPOILING.

Squaw men and others, principally Indians with large per cent of Caucasian blood, hire men to convert the standing timber into logs, boards, ties, and these are by these citizens aforesaid sold to the railroad company and shippers, as none but citizens are allowed to control the cutting of timber. The contractors are presumed to report to the national agent the amount so used and pay to the agent for the government a royalty of so much per cent. This, together with the royalty from the mines, for the most part, supplies the funds to carry on the national government. The squaw men and lumber traders endeavor to influence legislation and reap large profits from the business, and common rumor says the Choctaw nation is greatly swindled by these operators. One fact is patent to any close observer who visits the Choctaw council in session, viz, that much of the legislation is in the interest of the squaw men and money sharks, and not for the real benefit of the Indian.

FARM PRODUCTS.

The soils here are capable of a high state of cultivation, but great care is essential, as the soil washes very easily upon the slopes. Cotton and corn are the staple articles grown. Oats and wheat and rye are raised in small quantities, and but little attention has been paid to these cereals. The tame grasses have not been extensively grown and can not as yet be pronounced a success. Peaches and the small fruits do well here, and fair crops of apples are reported, but the fruit is only moderate in quality and is a poor keeper.

Vegetables are grown abundantly when the proper efforts are put forth, and are of good quality, but they decay soon after maturity, unless the sweet potato may be an exception. The fruit and vegetables grown in the north and west, and shipped here, remain in good condition much longer than those grown in this country.

POPULATION.

As shown by the Census the population of the Choctaw nation is 43,808. The white citizens by marriage, commonly called squaw men, number 332. There are a few white women residing here who have married Indians, as shown by the returns. The enumeration shows: Choctaw citizens, 10,017; colored and freedmen, 4,406; Indians other than Choctaws, 1,040. These, deducted from the total number borne upon the schedules, shows the noncitizen population of whites to be 28,345. This reveals the fact that a large number of people are here by permission of the Choctaw authorities. Each Indian or white citizen owning landed improvements and contracting with noncitizens to labor for them or till their soil must become responsible to the government and see that a permit is secured for each male laborer of legal age, and for each head of the family who may manage or cultivate his farm or any part of the same. Said permit is for the term of one year; to live here and cultivate land he is required to pay for the permit \$5. If his occupation is that of a common laborer, he must pay \$5; if a mechanic, \$10; if a professional man, \$25; if a clerk, \$10; to keep a hotel or boarding house, \$25; if he obtains a trader's license he pays 5 per cent on his invoices per annum. The fund derived by the nation from these sources goes into the national treasury to be used in defraying the current expenses of the government. No taxes are assessed.

MINERALS.

The counties of Atoka, Tobucksy, Gaines, and Skullyville may be styled the coal-producing counties of the Choctaw nation, notwithstanding coal can be profitably mined in other parts of the nation. In the counties named large mining interests are concentrated. Many men are constantly employed, and many hundreds of carloads are daily shipped from these several mines. Coal of excellent quality is produced.

I have been shown a very fair sample of cannel coal taken out in Atoka county, near Stringtown. This find has not been largely developed, but those possessing the mine say there is a show of an abundant quantity.

Iron ore is said to be abundant in mountains in several counties; silver and tin ore are also reported to be found, but no definite prospect or search has been made.

Good building stone is abundant in all parts of the Choctaw country.

CLIMATE.

The climate is mild and salubrious, about as found elsewhere in the same latitude and altitude. From what I can learn, if better precautions were taken for the protection of the families the health of this country would compare favorably with that of any of the western or southern portions of our domain.

The rainfall in the autumn, winter, and spring is usually abundant and sometimes greatly in excess of actual requirements, but in midsummer the dry weather sets in and frequently the crops are seriously injured.

HABITS AND MENTAL CONDITION.

I will now consider the general condition and habits of the Indian and others living in the limits of the Choctaw nation. First, as to their mental condition: The Indian seems to possess a fair degree of intelligence. I mean by this, natural good sense; but his mind is very sluggish. He does not grasp an idea quickly. Seemingly he does not desire to take on new thoughts or inventions; is ever on the reserve. I have already stated in this report that the full-bloods strive but little to elevate themselves intellectually.

SCHOOLS.

The Choctaws have neighborhood schools, national schools, academies, and orphan institutions where the homeless orphan children are cared for and educated, and the Choctaw government is annually paying the expenses of several young ladies and gentlemen in eastern colleges. Still the masses can do but little more than read and write and compute in the simple rules of mathematics. They are not a reading people. Books are found in but few homes. Few full-blood Indians live in town. They usually select an out of the way place upon some stream or spring branch for their home site, and in selecting sites for schools and public buildings they pursue the same custom.

In the erection of neighborhood school buildings the simplest styles of architecture are followed. Most of them are simply rude cabins or box houses, and everything connected with the school is as primitive as the building. The wages paid to teachers will not induce competent instructors to take charge of their schools.

The facilities for advancing the pupils are not furnished, so that the progressive teacher does not care to employ his talent where so little prospect for development is seen, consequently the teachers are of the poorest quality. I have visited several of the schools and find the pupils are making but little advancement. In some instances I find scholars who have been in school several years still unable to read and write.

In the academies and mission schools there is a much better state of affairs. The superintendent and teachers of Armstrong academy and Wheelock seminary, and the Baptist and Presbyterian schools in Atoka are worthy of especial mention. I am credibly informed that the Bennington seminary and the schools at McAlester are doing equally good work. Some of these schools are for others as well as Indians. In the mention of these schools of high grade located in the Choctaw nation I would not reflect upon those not mentioned, but I only mention those where information has been furnished or a personal visitation has been made. All these schools are quartered in better buildings and have better-furnished schoolrooms and competent teachers. It is noticeable that the white children and those of mixed blood stand at the head of the classes.

While the Choctaw nation is doing much to educate the Indian and freedmen, little effort is made for the poor white children, and their parents are manifesting no interest in their education. The census rolls indicate that few white children attend school outside the towns and villages.

HEALTH.

The Choctaw Indians, as a rule, enjoy excellent health. The women seem to be better developed in bone and muscle than the men. In the men the bone is light and the muscle soft and flabby. The men are not capable of as much labor and burden as the whites or blacks found here; but there is a cause for this physical condition. As has been repeatedly stated, the Indian does not develop his physical frame or harden his muscle by proper exercise and labor. The Indian women are stouter than the men. They perform at least the principal part of the manual labor performed by the Indian race. As the number of Choctaws is diminishing instead of increasing, there must be some physical cause leading to this result.

INCOME OF INDIANS.

The family and individual expenditures are certainly very small, as the living is very plain and the supplies purchased very few. A careful inquiry to obtain information upon this line reveals the fact that most Choctaw families live within their means and are not in debt, while but few, comparatively, have a surplus at the end of the year. If the income is small they live upon it. If means come to them it is mostly consumed. The Choctaw Indian lives for the present, and this is true as it relates to the husbanding of his private means. They do not show much economy in the management of their national finances.

GOVERNMENT.

The organization of the Choctaw nation is about the same as that of the Cherokees and Chickasaws—executive, legislative, and judicial. The laws are passed by their national council, but the bills are usually drawn by squaw men and sharpers and manipulated in their personal interests, and much of the public money finds its way into the pockets of these designing men, and “Lo! the poor Indian” realizes but a tithe of what is justly his.

A statement of the methods employed or pursued during the disbursement of the last “net proceeds” may illustrate the above statement. In the first place the council, by resolution or bill, appointed certain persons agents to attend to the business before the authorities, paying them 30 per cent of the entire proceeds. Then these same men or their allies charged them 10 per cent for paying it out in scrip, as that would be a safer way than to have the money; then they charged them 10 per cent more to cash the scrip or let them have goods out of the stores, and by this last they bought goods of which they had no need, and hence by the time the payment was complete the manipulators had all the money. Such, at least, is the common report, and there are men here at present that are said to have realized over \$100,000 in the last net-proceeds transaction, and the mass of Indians were but little benefited by the money paid by the United States government.

APPEARANCE AND DRESS.

The appearance and dress of the Choctaws is reasonably fair. As a rule the Indians are better clothed than the white families from Arkansas and Texas now living in this country. The Indian men dress in better style than the women. The men purchase ready-made clothing, while the women manufacture theirs from gingham and calico, and all are made in very plain style. Few women are seen wearing hats or bonnets; they are usually bareheaded or have a handkerchief of gaudy colors tied about the head. It is very common to see them in town, on the clear, warm days of summer, bareheaded.

PROGRESS.

The landed improvements and buildings show but slight indication of progress. Perhaps I can not do better than copy an extract from a letter written by an educated Choctaw, under date Leflore, Indian territory, August 23, 1890, written in answer to some inquiries propounded by myself. He says:

My native home and the early part of my life having been in this country and among this people, under any other circumstances [he was my enumerator and felt he must answer] I would not say so plainly what I must now say about the Indians, but I feel it my duty to write the truth, and whatever I may tell you I leave to your judgment to decide upon its merits.

During this past week a fact has begun to disclose itself, which I fear will not be hidden from a keen observer, that the full-blood Indian is almost on a standstill. His progress in civilization is slow. He is too careless. Nothing in art, literature, or science has any attraction for him. No ambition ever arouses them to honorable achievements. Consequently the man is a slave to the animal part of his nature. * * *

Under date of September 13, 1890, the same writer says:

I notice this week many families where men of the full bloods had married white women as wives, and I am inclined to think they might have benefited themselves very much if the women had possessed morals and intelligence, but they had been imposed upon by the most degraded types of Arkansas hoosierdom, and none but a race of desperate half-breeds is the result.

The writer goes on to say:

The Indians are kept down so low on account of the very meanest people coming here from the adjoining states and mingling with them. Some, it is true, are very nice people, honest and industrious, just such persons as are needed to assist to elevate the Indian, but the majority that come in contact with the Indians, being ignorant and indolent, pull them down and cause them to give way to their baser passions. I will say no more at this time, as it irritates me every time I think of it.

These statements, as made by this writer, have been in substance repeated over and over again by both whites and Indians with whom I have conversed during my stay here in this nation.

I here call attention to a letter written by R. B. Coleman in answer to my inquiries. Mr. Coleman was my enumerator for Tobucksy county:

MCALISTER, INDIAN TERRITORY, December 2, 1890.

I have the honor to herewith submit to you my final report, covering a period of something over 100 days and covering a territory of about 60 miles long by 40 wide in Tobucksy county, Choctaw nation, and a territory of about 40 miles long by about 25 miles wide in Gaines county, Choctaw nation; the latter territory will be reported on by Mr. William Wooley, Frank Moore, and Robert T. Pearson, who were appointed to assist me in the work in Tobucksy county. I find the twin towns of McAlester and Krebs, which cover an area of about 5 miles by 1 mile, or 5 square miles, form a coal mining community, with a mixed population of all nationalities except the Chinaman. There are 7 large mercantile establishments, carrying large stocks of general merchandise, with 22 minor establishments of like nature, 3 large livery stables, 4 large hotels, 11 restaurants, 1 weekly newspaper, 4 butcheries, 1 large flouring mill, and 1 grist-mill, 2 Baptist churches, 2 Methodist, 1 Catholic, 2 Presbyterian, and 1 union church, and 6 flourishing schools. The town of South McAlester, with an area of about 400 acres, a railroad town, the headquarters of the Choctaw Coal and Railway company, with roundhouse and general offices, has 3 large hotels, 3 large mercantile houses, 4 small ones, 1 planing mill and the appurtenances, 1 good church and schoolhouse, and the branch Federal court. The town of Aldenson, a mining town, has 2 hotels and 1 large store, with a thrifty, busy people. The town of No. 12 has 1 hotel, the mines just opened. The town of South Canadian is in a farming country on the Canadian river, with 2 good schools, 1 good hotel, 3 cotton gins, and 5 large general stores.

Savanna is a mining town, with 1 hotel. Over this region the people are generally in a prosperous condition, contented, except the dissatisfaction regarding the Choctaw Coal and Railway company and the Federal courts. The chief industries in this county are coal-mining, cotton and corn farming, and stock-raising. There are many herds of from 200 to 2,000 cattle, with many farms with 100 to 500 acres in cultivation, clear of debt, and if we can possibly keep the laws of the United States from extending over us we will never be cursed with the mortgage of grasping capitalists, as many of the states are, and which we natives in a body pray to God will never happen. We are capable of self-government and only ask to be left alone, and will work out the problem of civilization by education, which has an impetus now that is making itself felt and heard all over the land. We have a belt of coal of fine quality about 6 miles wide, running across the country for about 40 miles from east to west. I could write you more, but think it useless to do so.

* * *

Your obedient servant,

R. B. COLEMAN,
Enumerator Eleventh Census.

The tone of his letter differs from the letters first noted. Mr. Coleman is about one-fourth Indian, born and raised in Missouri; he lived some years in Texas, married a white woman, and is probably here for the money. The locality described is the coal fields of the nation and but few Indians are living here, and most of the property is owned and held by squaw men and others with but little Indian blood in their veins. I quote below from a letter to me from Frank Moore, one of the enumerators for the same region, which more nearly describes the true situation as seen by your special agent in the country lying out from the towns and distant from railroad stations:

MCALISTER, INDIAN TERRITORY, November 15, 1890.

Through my rounds in Gaines county, I find but few Indians and a good many noncitizens, but the noncitizens are as a general thing in very bad condition. They have a few head of hogs and a gun to hunt with. They live principally on bread and milk, and sometimes they kill game; they don't seem to want anything else. Their children are all barefooted and very near naked. There are some pretty tough cases from Arkansas in here hauling lumber for a living. * * *

RELIGION.

It has been my privilege to attend the annual meetings of the Methodist and Baptist and the African Methodist Episcopal churches in the nation during my stay here. The Baptists, Presbyterians, and Methodists each have mission churches and schools in the Choctaw country. Services are conducted in the English and Choctaw tongues. The negroes have both Methodist and Baptist churches.

MORALS.

The morals of the Choctaw Indians and freedmen will compare favorably with those of any people of their intelligence, and rank much above the white population, as many of the whites in the mining districts and lumber camps, and farmers scattered through here, have but little regard for the moral law, and show but little refinement. A large per cent of the whites in the Choctaw country may be regarded as illiterate, roving, ragged, and profligate. They are content to live in wagons, tents, huts, and cabins, are possessed of but few comforts, and seem totally indifferent to the education of their children. Fully four-fifths of all white children of school age were not in attendance at school during the past year. The United States government should prohibit the settlement of these families in this nation, or arrange a plan for the compulsory attendance of the children in school some part of the year, and thus check the growth of this ignorant and worthless class. As it is, a large class is growing up here among the Indians which is proving a curse to them, and will be to any race, country, or people.

The freedmen located here seem to be doing as well as those living in adjoining states; indeed, are more prosperous than many of the whites alluded to above. The black children are provided with school privileges equal to the Indian children in the neighborhood schools, and they are taking advantage of their opportunities and are improving in education and morals.

ROADS, BRIDGES, AND HIGHWAYS.

The Choctaws pay but little attention to public roads; Indians never devote any labor to the highways. They use a road as long as it is practicable to travel over it; after this the portion in bad repair is abandoned and a new route is selected. Hence the roads are in very bad condition. Many of the streams are very bad and have dangerous fords. There are no public bridges over these creeks and rivers, so in the rainy season travel is obstructed much of the time. Some of the streams on the roads of greatest travel have bridges built by private parties, and high rates of toll are charged. These bridges are yielding a large revenue to the investors. The Choctaw citizens pass over these bridges free. The men controlling legislation prevent the erection of free bridges in the interest of the owners of the toll bridges. The streets and alleys in the towns here are in bad condition in many instances. As there are no municipal governments in the Choctaw nation, the streets and walks of towns have no labor bestowed on them only as directed by private interest and capital.

PUBLIC RECORDS.

The Choctaw Indians are very careless of their public records. No public records relating to the schools were found at the office of the school superintendent, excepting as to the sum of money appropriated and paid out for educational purposes. But few records are kept in the office of national secretary, and these are in a very bad state of preservation. Those in the vault are damp and mildewed, while the books and papers in the library cases are eaten by some insect and many of them nearly destroyed. From indications I think the records are rarely ever consulted, or the books read. The same is true of the court records; but few are kept for future reference, and these are in a chaotic state.

PUBLIC BUILDINGS.

The court-houses are usually located in out of the way places, and are mere shanties in architecture. The Choctaws manifest no desire to build public buildings after the modern style. The buildings stand closed at all times except when court is in session. The council or state house is only open when the council is in session. The little public business attended to is usually transacted by the various officers at their homes.

CONCLUSIONS.

The Choctaw Indian has no distinctive employment. I have not seen an Indian (full blood) that is a mechanic, tradesman, or laborer. A few full blood Choctaws are lawyers, preachers, or doctors, and a small number are school teachers, but the greater per cent have no visible remunerative employment. His living is provided under environments already detailed in this report.

Summing the question up, I am fully satisfied that the Indian will never develop into anything but an Indian of the type of the past half century under the present Indian policy, as practiced by our Government. Instead of being treated as a ward or infant and not thrown upon his own resources, he must be allowed "to eat his bread by the sweat of his face" as other men do. Make them citizens of the United States, allot the lands to them in severalty, so that the Indian and the country may be elevated and developed. Many of the Indians with whom I have conversed favor the change, and long for its introduction.

A MEMORANDUM OF HOW THE CHOCTAWS CATCH FISH.

By JULIAN SCOTT, Special Agent Eleventh Census, Atoka, October, 1891.

The Indians of the Choctaw nation, Five Civilized Tribes, have a method of catching fish that is unique in its way and most successful in its employment. The act of fishing with them is an "occasion," the same as a "corn husking" is with the New Englanders. From 50 to 500 at a time take part in these frolics.

They provide themselves with long poles and lines; some of them have but the lines. They use no hooks, but the bait employed contains the secret. They gather large quantities of a root called the devil's shoe string, which is tied up into small bundles a foot and a half long, and tied together at the middle; the ends are then pounded into a juicy pulp. These mop-like looking bundles are attached to the poles and long lines, and swashed through the water. The men array themselves on both sides of the stream and in the stream, and "work" down. Almost immediately the fish—buffalo fish, catfish, and every kind that frequent their waters, little fish and big fish—begin to appear at the surface, their bellies upward, and all apparently dead. They are lifted out and put into baskets, and in this way hundreds of bushels are caught each year.

Some complaints were made this year by men who claimed that their cattle had been poisoned by drinking the water thus tainted by the fishermen. The flesh does not seem to be injured at all, for no one has been reported as affected from eating fish caught in this manner.

The devil's shoe string is known botanically as *Tephrosia virginiana* pers. The plant is unknown in general commerce. The other vulgar names by which it is known are: Turkey pea, turkey corn, goat's rue, and hoary pea. The Indians only use it to fish with, and perhaps if they were aware that it possessed other qualities than that of killing fish, they would make different use of it. It is a tonic and in some localities is used as a cathartic. It is also employed as a vermifuge and as an aphrodisiac.

CALL FOR A FISH KILLING.

The call for a rally of men for fish killing is the same in the Chickasaw as in the Choctaw nation. The following is a call, from the Chickasaw Chieftain, Ardmore, Indian territory, August 4, 1892:

The following unique advertisement appears in the last issue of the Eufaula Journal, August, 1892:

"On the 11th of August (1892) there will be a fish killing at the shoals about a mile above the railroad bridge on the North Fork, if the river does not rise before then. Every man over 18 years of age must bring 20 large bundles of devil's shoe strings, and boys under 18 must bring 15 large bundles. You will congregate at the place on the 10th of August and early on the morning of the 11th, the shoe string will be pounded and put in the water, and the fish killing begin as soon as the fish begin to come up. By order of the captains.

"ECHO EMARTHLAR.

"BOB ELLIS."

FIVE CIVILIZED TRIBES.

Report of Special Agent JOHN DONALDSON, on the Chickasaw nation, Five Civilized Tribes, Indian territory, 1890.

The Chickasaw nation contains 7,267 square miles or 4,650,935 acres of territory (treaty of June 22, 1855, vol. 1, U. S. Stats., page 611). In 1837 the Chickasaws sold outright, to the United States, their lands in the state of Mississippi. For the sum of \$530,000, in 1837, the Chickasaws bought an equal interest in the Choctaw lands, now in Indian territory, but without the right to vote, and lived with them. In 1855, for the sum of \$150,000, the Chickasaws bought the right of self-government from the Choctaws, and a district, now known as the Chickasaw nation, was established in the western portion of the Choctaw territory. From 1855 to 1887 the Chickasaw country improved very little, if any. To the west the ranchmen and their nomadic herds held undisputed sway; to the east the primitive red man dwelt in the seclusion that he loved so well. From 1861 to 1865 the Chickasaws took sides with the southern confederacy during the rebellion. In the spring of 1887, when the Atchison, Topeka and Santa Fe route pushed through the nation, it became the wedge that opened the way to incoming white civilization. Thousands began to pour in, as the situation was favorable; it cost but a nominal sum to rent valuable farming lands of the Indians, living was cheap, and returns from agricultural labors large. The outside whites had heard of the rich wilderness and fertile plains awaiting only industry, enterprise, and money to develop them.

The general topography of the country is that of a rolling prairie in the west, more hilly and wooded in the east. The country is well watered by the South Canadian, Washita, and Red rivers, with their numerous tributaries. In the extreme west the cattle industry still flourishes to a considerable extent, although the small farms are rapidly encroaching upon the cattle ranges.

In the numerous river valleys and creek bottoms the agricultural resources of the country attain their highest development, though the uplands are capable of producing bountiful crops. In the central part of the nation a high range of hills, called the Arbuckle mountains, covers a large scope of country, while the country to the east is broken by abrupt hills, heavily timbered. It is in this rough, hilly country that the recent mineral discoveries were made. Gold and silver are said to exist here to some extent, and deposits of coal, iron, lead, and mica await development. But two coal mines have been opened as yet. One railroad, the Gulf, Colorado and Santa Fe, traverses the Chickasaw nation from north to south. The Missouri, Kansas and Texas road crosses Panola county in the southeastern portion of the nation. The Rock Island road is built to Minco, on the South Canadian. Other lines—the Denison and Washita Valley, the Sherman and Ardmore, and the Hutchinson, Oklahoma and Gulf—have secured charters from Congress. There are several good towns, a score of trading points, and 78 post-offices in the nation. The basis of the nation's industries is agriculture. Corn, wheat, hay, potatoes, vegetables, cattle, hogs, and horses are the leading products of the country. The timber and mineral wealth are undeveloped. There is not a turnpike, macadamized road, nor improved highway in the nation. Mud roads are the only highways of travel. With the exception of a few very small bridges across insignificant brooks, and the railroad bridges, there are no bridges in the nation. The rivers, such as the South Canadian, the Washita, and Caddo, are all forded. A rainy spell of any consequence interrupts communication between the different parts of the nation, and travelers are frequently water-bound for a week in traveling even short distances. Some few ferries are to be found. The population of the Chickasaw nation is made up largely of whites, noncitizens, most of whom rent farming lands of the tribal citizens. Traders and professional men are required to pay an occupation tax also. The noncitizens are not amenable to the tribal laws, the United States having recently established its own courts in the territory. All controversies between the two elements are tried in the United States courts, those between Indian citizens alone being left to the jurisdiction of the tribal or Chickasaw national courts. Considering the conditions under which these people live, crime is rare in the Chickasaw nation. Most of the cases brought to the court are of a civil nature, or trivially criminal; there are but few felonies. The noncitizens are usually law-abiding and generally industrious. The improvements on realty in the nation are necessarily of a transient nature, owing to the uncertainty of the land tenure. There is little encouragement for permanent improvements on the part of the citizens, who hold their lands in common, and none for the noncitizens, who can under the law make a rent contract for but one year. The conditions which prevent the complete advancement of the country apply

with greater force to the progress of the towns. There are no provisions for town sites under the Chickasaw law, and occupants of town lots are merely tenants of the native landholder or claimant, like their agricultural brethren. The buildings are as a consequence temporary, and public improvements and regulations inadequate. The towns have no government of any kind, consequently they are filthy from lack of sanitary regulations and disorderly for want of police protection. The future will bring increased white population and make the question more serious. The more intelligent and progressive citizens and noncitizens are anxiously looking forward to the change which is certainly imminent. The allotment of the land in severalty among the tribal citizens, the abolition of the tribal relations, and the statehood of the Indian territory is the relief sought. The cost of living is small, the soil is fertile, and the climate genial. The Chickasaw farmers on leased lands are doing well, and the white inhabitants of the towns are generally well-to-do. The settlement of the country and growth of the towns has been rapid.

THE CENSUS.

The census of the Chickasaw nation shows a total of 57,329. The census began August 18, 1890, and was completed December 27, 1890. The nation was divided into 15 districts, by highroads, rivers, and railroads. Pontotoc county was divided into 3 districts, and showed a total population of 9,135. Tishomingo county was divided into 2 districts, and showed a population of 5,016. Panola county was divided into 2 districts, and showed a population of 2,879. Pickens county, or the state of Pickens as it is called here, was divided into 8 districts, and showed a population of 40,299. The total number of days the enumerators worked was 870. The average of names taken per day was 66.42, and the average cost per name was 6.7 cents.

Much difficulty was had in getting good men for the work. Almost the entire list of 15 names first recommended by the governor were rejected, as they were officeholders under the Chickasaw government and could not serve on our work. Of the second list (10 names) a number were rejected as incompetent. The 19 enumerators who did the work were composed of Indians and whites, and in all cases men were chosen who were perfectly familiar with the districts in which they were to work. No dissatisfaction of the enumeration was heard anywhere, and the work was thoroughly and conscientiously done. Most of the white men and some of the Indians were very rapid workers. Men who proved slow and did not take a proper interest in their work were dropped.

THE CHICKASAW CENSUS.

The Chickasaw legislature of 1890 authorized a census to be taken of the Chickasaw nation. The work commenced about September 1, 1890, and was discontinued November 1, 1890. The census was not completed. I understand about 30,000 names were obtained. The enumerators were allowed 10 cents for each name turned in. The Chickasaw schedules contained 7 questions: (1) Names of heads of families; (2) post-office address; (3) age; (4) children, whether males or females; (5) Chickasaw or Choctaws by marriage or blood; (6) whether United States citizen under permit, intruder, state negro or Indian negro; (7) total members of family.

As some of the questions touched upon the white man's right in the nation, they were not very fully answered by the enumerated. Some of the enumerators farmed out their work to deputies at 2 cents per name. No statistics as to crops, live stock, or wealth were taken.

THE CHICKASAW CONSTITUTION.

No religious obligations are imposed. All denominations are protected. Free speech is guaranteed. No unreasonable search of person or house is permitted. Speedy trial is assured in criminal prosecutions, and persons held responsible only on indictment or good information. All prisoners are bailable, excepting those charged with murder. Remedy is provided for injury to lands, goods, person, or reputation. Excessive bail can not be exacted. No cruel or unusual punishments are inflicted. The right of trial by jury is inviolate. A person can not twice be put in jeopardy of life or limb for the same offense. The legislature has jurisdiction in the matter of bearing arms. No imprisonment for debt. Elections are *viva voce*. All male persons over 19 years of age, by birth or adoption members of the Chickasaw nation, who have resided 6 months immediately preceding any election in the nation, and not otherwise disqualified, shall be deemed qualified electors. Members of the senate and house of representatives of the Chickasaw nation are elected for one year. They receive \$4 per diem. Senators must be 30 years of age, and representatives 20 years of age. The number of senators shall never exceed two-thirds the number of representatives. Each county is entitled to 3 senators and 5 representatives. The house and senate each choose their presiding and other officers. A two-thirds vote of either house is necessary to expel a member. Members of the legislature are exempt from arrest going and returning, except for felony, breach of the peace, and treason. The business of the legislature is transacted with open doors. Without the consent of the other, neither house can adjourn for more than three days. All revenue and appropriation bills originate in the house. Senators and representatives are prohibited from holding any other civil office. The house has the sole power of impeachment, and all impeachments are tried by the senate. In case of impeachment the parties convicted are subject to trial and punishment according to law, to removal from and are disqualified from holding any office of honor, trust, or profit under the Chickasaw government.

THE EXECUTIVE.

The governor of the Chickasaw nation is elected by the votes of the qualified electors, and holds office for 2 years. The governor is not eligible for more than 4 years in any [period] term of 6 years. He must be 30 years of age, a resident of the nation for 1 year next preceding his election, and a Chickasaw by birth or adoption. He can not hold any other office while governor. In case of death, removal, or resignation of the governor, the president of the senate, and next the speaker of the house of representatives, succeeds him. The offices of national secretary, national auditor, national treasurer, and attorney-general of the Chickasaw nation are provided for. They are required to attend at the seat of government, Tishomingo, quarterly and during each session of the legislature. The governor has authority to call out the militia of the nation whenever he may deem it necessary for the protection and welfare of the same. The executive receives an annual salary of \$1,500. The present governor, Hon. William L. Byrd, is a man of education and ability, and would pass anywhere, for a white man. He belongs to the National or Pull Back party.

INDIAN JUDICIAL DEPARTMENT.

The judicial powers of the Chickasaw nation, as applied to citizens, are vested in a supreme court and district and county courts. The supreme court consists of a chief justice and 2 associates, any 2 of whom shall form a quorum. The judges must be 30 years of age. Their term of office is 4 years. The judges of the county courts are elected by the people and have jurisdiction in cases not exceeding the sum of \$100, and act as probate judges. They hold office for 2 years. The district attorney, elected by the people, also acts as attorney-general of the Chickasaw nation.

SCHOOLS.

The Chickasaws make no provision for the education of their freedmen. Their condition in this respect is a disgrace to the age. The present commissioner of public instruction is an extreme Pull Back. Two respectful requests from me for information as to school statistics were totally ignored. To Mr. McAdams, the editor of the Chickasaw Chieftain, he stated "that in his opinion newspapers were a nuisance, and had he the power he would shut them out of the Chickasaw nation." There are a number of denominational schools, and the Catholics have a very large and prosperous school at Purcell in Pontotoc county.

OFFICEHOLDING.

No citizen is allowed to hold more than one national office at the same time. Officers not paid from the national funds are exempt from this rule. Almost every citizen of the Chickasaw nation is an officeholder or a back number. The title of honorable is as common in the Chickasaw nation as that of colonel is in the South. There are so many offices in proportion to the population that every citizen feels that he ought to have one. The officeholders as a rule are shrewd men, with more white than Indian blood. There are 2 political parties among the Chickasaws, the National or Pull Back party and the Progressives. The white men have no vote, and the last legislature disfranchised the "galvanized" or "married in" whites. The present is a Pull Back administration. The Pull Backs are in favor of leaving national affairs just as they are. The majority of the Pull Backs are officeholders. The Progressive party, of which the Hon. Samuel Paul is the leader, favors the division of the land in severalty, statehood, and the opening up of the country to whites and others. The full bloods are in a very small minority among the Pull Backs, and as a rule hold but a few acres each. There are some very large landholders among the Chickasaws, some farms containing as high as 6,000 acres.

CRIMES AND PUNISHMENT.

The United States statutes and the Arkansas law are in force in the Chickasaw nation for the government of the whites, noncitizens, and such Indians as are naturalized. The Chickasaw law provides that treason against the Chickasaw nation is punishable by death. Treason shall consist only in levying war against the nation, adhering to its enemies and giving them aid and comfort. Conviction requires the testimony of two witnesses to the overt act or confession in open court. Murder is punishable by hanging. The government is authorized to offer a reward not exceeding \$500 for any person charged with or convicted of murder or other capital crimes. A fine of from \$150 to \$1,500 is imposed for maiming or wounding. For introducing spirituous liquors into the nation the offender is liable to a fine of \$10 for the first offense and \$40 for each succeeding offense. Wills may be written or verbal, and must be witnessed by 2 disinterested persons over the age of 16 years, and recorded in the office of the county clerk of the county in which the individual resided within 2 months after the decease of the person making the will. To give a mortgage or deed of trust upon any personal property and to then sell or otherwise dispose of the same or remove the same from the Chickasaw nation is considered grand larceny, and punished accordingly. A conviction of arson imposes a full indemnity for damages done to the party injured and 39 lashes on the back. Gambling is punishable by a fine of from \$100 to \$1,000, or imprisonment in the national jail for from 10 to 60 days. For threatening the life of another a person is subject to a fine of from \$50 to \$300. Petty larceny, under the value of \$20, is punishable by a fine of 39 lashes or restitution to the owner of the goods, chattels, money, or other articles of value stolen. Grand larceny is punishable by 39 lashes on the bare back or

imprisonment for 1 year, and restoration to the owner of the goods, chattels, or money stolen. Horse stealing is punishable by a fine of not more than \$200, 39 lashes on the bare back, and imprisonment not exceeding 1 year. For the third offense the punishment is death by hanging. For pulling or leaving down a fence the offender is liable for the damages done to the owner of the farm, or 60 days' confinement in the national jail. A fine of \$5 is imposed for ball playing or horse racing on Sunday. Any person who shall cut down any pecan or hickory tree, or even a limb, for the purpose of getting the nuts, is liable to a fine of from \$25 to \$50. White men residing in the nation, summoned to attend the Indian court, are subject to a fine of from \$5 to \$50 for refusal, or removal from the limits of the Chickasaw nation. Carrying arms is prohibited, except to sheriffs, constables, and others summoned by them, under a penalty of from \$1 to \$25 for each offense. Bribery is punishable by imprisonment not exceeding 6 months in the national jail. Noncitizens, not lawfully residing within the limits of the Chickasaw nation, hunting wild game, trapping, or fishing, are dealt with as intruders and reported to the proper authorities of the United States. Forgery is punishable by imprisonment in the national jail for not less than 1 month, nor exceeding 2 years, and a fine of not less than \$25. No person, citizen, noncitizen, or freedman can carry any pocket-pistol or revolver of any kind within the limits of the Chickasaw nation under penalty of a fine of from \$25 to \$100. Whenever the punishment is whipping, the same is inflicted by either the sheriff or constable by means of a good hickory switch.

MARRIAGE AND DIVORCE.

Noncitizens must reside in the Chickasaw nation for a period of 2 years before they can procure a license to marry a citizen of the nation, must be of good moral character and industrious habits; must be recommended by at least five good and responsible citizens of the nation and of the county wherein they reside, pay a license fee of \$50, and, finally, all must be approved by the county judge. Such a marriage confers the right of citizenship and the right to improve or select lands. In case a citizen of the United States having married a member of the Chickasaw nation and voluntarily abandoned or separated from such member of the Chickasaw nation, such citizen of the United States shall forfeit all right acquired by such marriage in the Chickasaw nation and be liable to removal as an intruder from the limits thereof, and it has recently been decided that when a citizen of the United States marries a citizen of the Chickasaw nation within the limits of a state or territory other than the Chickasaw or Choctaw nations, and according to the marriage forms and ceremonies of such state or territory, no citizen rights are acquired by such marriage.

Polygamy and concubinage are prohibited. Marriages must be solemnized by a judge or other person lawfully authorized to perform the marriage ceremony. Persons found guilty of polygamy are compelled to remain apart until the disability is removed, pay the cost of suit, be fined \$50, and, in case of inability to pay the fine, from 1 to 6 months in jail. By the act of October 10, 1876, all persons convicted of crimes where fines are the penalty, and are not able to pay the same, are subject to 3 months imprisonment in the national jail with or without hard labor at the discretion of the court, but the act shall not be construed to interfere with the terms of imprisonment provided for in other laws. Persons guilty of concubinage or adultery are compelled to separate forever and subject to a fine of \$50.

PERMITS.

It is stipulated in the thirty-ninth article of the treaty of 1866 between the Choctaw and Chickasaw tribes of Indians that "no person shall expose for sale in the Chickasaw nation any goods or other articles of merchandise without obtaining a permit from the legislature thereof." Trading without obtaining a permit incurs the penalty of having all goods and merchandise confiscated. A tax of 1 per cent is charged by the nation on all goods, merchandise, or other articles for sale or barter. No trader's permit can be granted for a longer period than 3 years. Citizens are required to have permits, but are exempt from taxation. Noncitizens are required to pay \$5 per year for residing in the Chickasaw nation, and no permits are granted for a period longer than 1 year. Noncitizens wishing to remain in the Chickasaw nation for a shorter time than 6 months can do so by paying the permit collector 50 cents a month for every month or part of a month. Permit collectors are elected in each county of the Chickasaw nation for a period of 2 years. They are required to give a bond in the sum of \$500 to the governor, and for their services they are paid 15 per cent of all money they may collect. Deputy permit collectors may be appointed by the permit collectors, who are paid by the permit collectors out of the 15 per cent they receive for services. An inspector of permits for each county is appointed by the government. The inspector takes up all permits granted in his county, and gives his receipt for the same. Inspectors are entitled to 10 per cent out of the permit money.

Persons living in the nation under a permit shall not be allowed to bring into or hold more than 5 head of milch cows, no hogs outside of inclosure, but are allowed all the work horses, mules, and cattle necessary for farm work. Freedmen are required to get permits the same as other noncitizens.

COTTON.

Cotton is the staple of the Chickasaw nation. For over a quarter of a century the Chickasaws had cultivated small cotton patches, demonstrating the value of their lands for the culture of that staple. Before the war their slaves toiled in the cotton fields and raised cotton, a bale and more to the acre, and of excellent quality. After the

completion of the railway through the nation and the influx of white settlers begun the production of cotton enormously increased. The nation now produces about 40,000 bales of cotton annually, worth \$1,800,000. The town of Ardmore marketed 835 bales during the season of 1887-1888. During the season of 1888-1889 3,500 bales were marketed. The season of 1889-1890 Ardmore handled 17,000 bales, worth \$850,000. This year the amount handled will reach 25,000 bales, worth \$1,250,000. The smaller towns handle from 500 to 5,000 bales annually. Cotton is hauled to Ardmore from 100 miles distance, and her merchants supply the widest territory of any town in the southwest. It is the market for a scope of territory extending to the regions around Fort Sill on the west, the Washita and beyond on the east and north, and to the Red river and across the Texas line on the south. Next year a \$50,000 cotton compress will be built by a stock company of Ardmore citizens, and preparations made to handle the cotton of an immense area of territory. The Chickasaw nation is largely settled by Texans, and Southerners predominate; consequently cotton is money here, as most of the farmers raise a few bales for ready cash. The cotton seed is used for fattening fowls and stock.

CORN.

Next to cotton, corn is the leading product. The Chickasaw nation can be made the most productive corn country in the whole southwest. Its fertile valleys have for years raised crops whose yield has astonished the agricultural world. In 1886, the year before the great immigration from Texas, Hon. Samuel Paul raised on his Washita valley farm 100,000 bushels of corn. That year corn sold as low as 15 cents a bushel. As a result of overproduction of corn and the increased attention to cotton the production of corn has decreased. Owing to the drought of the past summer and the increased immigration corn is very high this fall, bringing 75 cents a bushel of 72 pounds, in the shuck and on the cob. The Washita valley produces as high as 80 bushels of corn to the acre. Fifty bushels to the acre is a fair yield.

OTHER CROPS.

But little wheat is raised and it fetches \$1.25 per bushel. Hardly any rye is grown, and very few oats. There are few orchards in the Chickasaw nation, apples and cider being brought from the adjoining states, commanding high prices. Melons are extensively cultivated and do extremely well; watermelons weighing as high as 70 pounds were in the market the past summer. Two crops of potatoes, cabbage, tomatoes, and sweet potatoes are raised annually. Irish potatoes are scarce during the winter. Good ones fetch \$2 per bushel. The spring potato raised here will not keep during the winter, and the fall crop, which produces small potatoes, is depended on for the winter supply. The castor-oil plant is now quite extensively cultivated, several plantations 160 acres in extent being sown with it in 1890. The beans are worth \$2 a bushel in Dallas, Texas, where they are pressed.

STOCK.

In the Chickasaw nation the farm horses will average about \$40 in value, but the pony horse, as he is called here, is in the majority. Fifteen to \$30 is the prevailing price for the pony horse. As a rule the saddle used by the horseman is worth more than the animal itself. An attempt has been made within the past few years to improve the quality of the native stock by the introduction of the Percheron draft horse for breeding purposes. The farmers claim that the cross with native mares does not turn out well. The native raw-boned horse and pony will thrive on the grass here, and exposed to all weather, while the half thoroughbred loses flesh and drops off with the best care. The mud roads here are against the draft horse.

Two small native horses will haul 5 bales of cotton, weighing about 2,500 pounds, 40 miles a day. There are a number of inferior mules in the nation. Very few sheep are raised and no mutton is in the market. The north-eastern part of the Chickasaw nation, about Stonewall, is a splendid sheep country. There are many Angora goats raised, principally for their flesh.

CATTLE.

The cattle business has almost died out in the Chickasaw nation. No citizen or person under permit is permitted to hold for pasturage in this nation any stock of any kind, in his name or otherwise, belonging to a non-citizen, under a penalty of from \$100 to \$500. This has done away with range stock. The wire fences and increased population have also contributed to that end. Steer cattle can only be introduced into the nation in the months of November and December. All stock, excepting goats, must be branded and ear marked. Neglecting to have brands or marks recorded in the office of the clerk of the county in which the owner resides is punishable by a fine of from \$5 to \$10. Stock driven through the Chickasaw nation at a less rate than 8 miles in any one day are liable to a pasturage duty of \$1 per head. Any person or persons who shall drive, or cause to be driven, any stock off their range to the extent of 2 miles shall be fined not less than \$10 nor exceeding \$50. The cattle here are about the same as the horses in quality. Very few good milch cows are to be found. With a country overgrown with the finest grass, and everything favorable for the dairy business, nothing of the kind is known here. Three or 4 quarts of milk a day is considered a good yield for a milch cow. Very little good butter can be found at any time and no cheese is manufactured in the nation. All efforts to remove and collect penalties for stock unlawfully grazing and ranging in the Chickasaw nation have been attended with an outlay at least as large as the collections therefrom.

MINING.

There is a coal mine near Ardmore that has been worked about 2 years. It is claimed that the supply of coal is abundant (but up to the present time, I am reliably informed that but 1 carload has been shipped). The town of Ardmore last winter derived its supply of coal from this mine. The small output, it is claimed, is due to bad methods of working the mine. There is coal near Dougherty of good quality, and also near Colbert station in Panola county, but the total output of coal from the Chickasaw nation amounts to very little. There are some oil springs in the nation, but they have not so far been successfully worked. Asphaltum is found in Pickens county, west of Healdton. Prospectors state that the Arbuckle mountains abound in the precious minerals. Gold, they state, is extremely plentiful, and silver is hardly worth looking at, not to mention the baser metals. But they do not bring in much of the gold or silver. The last Chickasaw legislature chartered a mining company and granted it the exclusive privilege of mining and prospecting a territory 25 miles square. The company capitalized at \$100,000,000. They promised great things. So far the company has shown up no gold, other than the lettering on their certificates of stock, which is now for sale cheap, in large blocks, or will be exchanged for cotton, produce, corn, etc., with no takers. There is considerable mica in the country, but not in commercial sizes. Iron, copper, and lead are found, but so far no mines have been developed.

WHISKY AND SPIRITUOUS LIQUORS.

Any citizen introducing whisky, or other spirituous liquors, into the Chickasaw nation is liable to a fine of \$10 for the first offense and \$40 for the second and succeeding offenses. Whisky peddlers abound everywhere. Noncitizens are the introducers, as a rule. The commonest of poor whisky readily sells for \$2 a quart. The adjoining states reap a harvest from the sale of whisky in the Chickasaw nation. The town of Gainesville, Texas, ships \$50,000 worth of liquor into the nation every year. Saint Louis and Kansas city also reap a harvest from the sale of liquor in the nation. Drummers from these cities travel through the nation soliciting trade and taking orders. There are now over 50,000 whites and a few Indians in the Chickasaw nation. The wants of the whites as well as those of the Indians should now be consulted. The whites are said to need some form of stimulant, as the climate is enervating and malarious. At present the people are robbed when they purchase whisky and pay 10 cents each for small glasses of imitation hard cider, ginger ale, soda pop, and such beverages. There is a demand for good, wholesome beer. A well-regulated law governing the sale of lager beer would, it is thought, produce a large revenue for the Chickasaw nation, decrease drunkenness, supply a want, diminish crime, and keep at home, where it is needed, the large amount of money annually sent into towns of adjoining states.

Ardmore, the largest town in the Chickasaw nation, and the metropolis of the Five Civilized Tribes, is but 3 years old (1890). It has a national bank, 9 hotels, between 80 and 90 business houses, and 2 newspapers. A branch of the United States court is also located here. The wonderful prosperity of the town is due to its being the center of the cotton-growing country. The coal mines have helped the town very little. Tishomingo, the capital of the Chickasaw nation, is an old-fashioned Indian town, located on Pennington creek, in the eastern part of the nation. It is having quite a boom at present, as it is the center of the alleged gold fields, and a great many prospectors make Tishomingo their headquarters.

LAND IN SEVERALTY.

The majority of the Chickasaws are in favor of the allotment of their lands. The industry of the white settlers has made this an agricultural nation, and the farms of any size are all cultivated by them. The greatest objection to allotment at the present time is that the renters upon the land have but little means, have put all they have into the crops, which were a partial failure this year, and if the land were divided and sold at present they would be too poor to purchase and would lose all. The franchised white men, who as a rule have taken up large quantities of land, are in favor of allotment to a unit. The full bloods who oppose allotment do so through motives of uncertainty of what the future will bring forth. They are content to let well enough alone. The scheming Indians, who have been large holders of land, work upon the fears of the full bloods and predict everything dreadful and awful to follow allotment. Every time the question of division of the land comes up the large land holders cry out: "Do you wish to put the poor Indian at the mercy of the smart white man?" At present it is the poor Indian who is at the mercy of the sharp Indian, and it is the sharp Indian who dreads the sharp white man. The younger and well-educated element among the Chickasaws almost all favor allotment. With allotment will come all of the necessary and desired changes in the present methods of these people, and then civilization will begin.

I desire to return thanks to Governor William L. Byrd, to Robert J. Outts, postmaster at Ardmore, and to Messrs. Richard McLish, Editor McAdams, of the Chieftain, and Solomon E. Jackson, of Ardmore, for favors extended. The people of the Chickasaw nation, citizens and noncitizens, actively co-operated with us, and but one person refused to answer the questions on the schedule.

SUGGESTIONS AS TO CHANGE OF PRESENT CONDITIONS OR STATEHOOD FOR THE FIVE CIVILIZED TRIBES.

BY INDIAN ENUMERATOR LEO E. BENNETT.

On the question of statehood for the Five Civilized Tribes there are several methods proposed. Leo E. Bennett, United States Indian agent for the Five Tribes, and enumerator for the Eleventh Census for the same, in a letter of May 29, 1891, gives the following answers to inquiries from the Census Office as to his views: (1) On the powers of the United States agent in Indian territory. (2) What shall be done with the political part of the territory; shall it be organized into a state? (3) Which are the objectionable features of the laws of the several nations or the five tribes?

UNION AGENCY, MUSCOGEE, INDIAN TERRITORY, May 29, 1891.

HON. ROBERT P. PORTER,

Superintendent Eleventh Census, Washington, D. C.:

SIR:

I have to acknowledge the receipt of your favor of the 22d instant, requesting my views on certain questions.

POWERS AND DUTIES OF THE UNITED STATES INDIAN AGENT.

Replying thereto, I will say that the authority for the appointment of Indian agent is vested in the President under section 2052, Revised Statutes of the United States. The requirements, liabilities, and the duties of an Indian agent are set forth in succeeding sections up to and including section 2078.

Sections 2147 and 2149 confer upon superintendents, agents, and subagents the authority to remove from any Indian reservation "persons found therein contrary to law or whose presence within the limits of the reservation may in the judgment of the Commissioner be detrimental to the peace and welfare of the Indians."

Section 465 provides that "the President may prescribe such regulations as he may think fit for carrying into effect the various provisions of any act relating to Indian affairs, etc."

Section 463 provides that "the Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior, and agreeable to such regulations as the President may prescribe, have the management of all Indian affairs and of matters arising out of Indian relations."

The Attorney-General, in VII Opinions, 453, held, "As a general rule the direction of the President is to be presumed in all instructions and orders issuing from the competent department."

Referring to *Wilcox vs. Johnson* (13 Peters, 498), "The President speaks and acts through the several departments in relation to subjects which appertain to their respective duties."

Section 2058 provides that "each Indian agent shall within his agency manage and superintend the intercourse with the Indians agreeably to law, and execute and perform such regulations and duties not inconsistent with law as may be prescribed by the President, the Secretary of the Interior, the Commissioner of Indian Affairs, or the Superintendent of Indian Affairs."

These and other sections of the Revised Statutes are not obsolete, have never been repealed, and it seems to me are paramount in the government of the Indian country. They conferred upon the Indian agent powers judiciary and executive; authority to make and enforce such rules and regulations not inconsistent with law as in his judgment he deemed necessary for the interest or welfare of the Indians under his charge—an arbitrary power, not now in keeping with the institutions of this free country, but which, on the other hand, seemed necessary in the earlier period of Indian government, when the Indians were far beyond the jurisdiction of the federal courts and the enforcement of intercourse laws was against the fugitive and outlaw only. The status of the Indian agent's authority is one that is undefined; that is to say, not so clearly defined as to relieve him from the embarrassments and entanglements which beset him in the discharge of his duty, from the clashing with the federal courts claiming jurisdiction, which, if ever possessed by the agent, has never been taken away from him. This is but the natural outcome of the changed condition of affairs, brought about by the advance of civilization

and the changes incident to the advent of the white man, for, except so far as the landed interest of the Indian is concerned, this can not now properly be called an Indian country. Laws that were made for the governance of savages and wards can not be enforced in the interests of Indians who are the equal in every respect to their white brothers whom they have invited into their domain. The power of the Indian agent appears to me to be sufficiently strong to cope with any emergency that might have arisen at the time and under the conditions which made his employment necessary, but something better than the agency system, more capable and efficient, with powers more clearly defined, should succeed it in the present advanced stage of civilization to which these former wards have attained. And what shall this be? (1) What shall be done with the lands of the Five Tribes? (2) What shall be done with the political part of the territory? (3) Shall it be organized into a state?

The right to make and to carry into effect such laws as they may deem necessary for the protection, for the government of the persons or property within their own country, has been guaranteed to these Indians by treaty stipulation; it is, therefore, their privilege to say what shall be done with their lands, if they decide in time and before a hasty decision is forced upon them by the coming events whose shadows have long since been cast upon their country. It is a self-evident and admitted fact that if the Indians would secure to themselves the greatest benefit of their landed interest, a change must be made in the manner of their holding; some more potent and certain protection of their interest must be secured. No argument is needed to shake the faith of any thinking, intelligent Indian of the Five Tribes in the power of treaty pledges or provisions or the ability of the federal government to enforce the same as a protection of the Indian's interest; too much evidence of the insufficiency of both confront us. As proof of this we see the Chickasaw and Cherokee countries overrun with intruders and spurious claimants to citizenship, usurping thousands of acres of the best land; these lands have been patented to the Indians, the only reservation being that they are inalienable except to the United States. As I said before, the right of self-government, the right to make laws for the protection of person and property within their own country, has been guaranteed to these Indians; and yet in a recent session of Congress it required the most strenuous efforts on the part of the Choctaw nation and others interested in their behalf to prevent the passage of a bill practically placing beyond the control of the Choctaw national council for a period of a century a large and most valuable portion of the Choctaw domain, and placing at the disposal of an alien corporation lands that for many years have been pre-empted by citizens of the Choctaw nation and were theirs by inherent right.

LANDS IN SEVERALTY.

That a change must come and will come soon is an admitted fact and openly advocated by many who have heretofore been adverse to such a proposition or have dodged the issue. I believe a per capita division of the lands is preferable to the allotment plan and would be the choice of the Indians themselves. The taking of land in severalty, thereby creating individual interests which are absolutely necessary to teach the benefit of labor and induce the following of civilized pursuits, the coalition of these Five Civilized Nations under a state government by and for the Indians, would secure to them the strongest protection to their interests and would form one of the grandest and richest states in the Union, and would afford ample scope for the gratification of the ambition of many bright and talented Indian citizens who, if the opportunity were offered, could display an ability in the management of affairs of state or nation that would place them in the front rank as legislators, men who are a credit to any community and whose opinions are valued at home and abroad. I do not believe, however, that a state government by and for the Indians alone will ever exist in the Five Tribes. The situation is too complex. It need not necessarily exist to secure the protection needed and desired for and by the Indians. Secure to them their landed interests and they are prepared to-day to assume the responsibilities and exercise the rights of a citizen of the United States. "What shall be done with the Indian lands, and what shall be done with the political part of the territory?" may well be merged into one question.

WHITE MEN IN THE FIVE TRIBES.

One of the principal factors that must eventually enter into the solution of this question is the interest of the white man legally acquired in the Indian country, the interest of the merchant, the farmer, and the laborer, who have availed themselves of the liberal laws of the several nations and have devoted time and energy and invested their money in the development of resources and increasing the natural value of the country. It is true they, too, have reaped the benefit from a residence here, but what they have acquired they have paid for at the price demanded by the Indian's laws, and their equity right must be recognized; their interest in the common property or in the increased value of the country, which their investments have brought about, must be taken into consideration.

The interest of the white man is increasing every day and with the consent of the Indians themselves, and although he can not under existing laws and conditions obtain any right to the soil, the interests of the white man and the Indian are so closely allied, from a social as well as a business standpoint, that a form of government, when a change is made, that would inure to the benefit of the one would prove equally beneficial and protective to the interests of the other. The governmental institutions of these five nations are patterned after state governments;

their advancement is such as would enable them to easily adapt themselves to the broader sphere of action in which they would move under a state government. Why, then, when the change is made, should not the usual intermediate condition of a territorial government be jumped, and by some well-devised plan of political unification, in which the interests of all shall be taken into consideration, should not the question of what shall be done with the land of the Five Tribes and what shall be done with the political part of the territory be settled on the firm basis of a state government?

OBJECTIONABLE FEATURES OF LAWS OF FIVE TRIBES.

As to the "objectionable features of the laws of the several nations of the Five Tribes," I will say that an attempt to enter fully into details or particularize in the matter is impracticable and would make a cumbersome report that, in my opinion, would not be so much to the purpose as to consider the matter in a general way. By this I would not convey the idea that I consider their laws all, or for the greater part, objectionable; the reverse is the case. The objections exist, in my opinion, not so much in the laws themselves (with a few exceptions) as to the manner of their enforcement in some instances, the impossibility of enforcement in other instances, the ease with which measures in the interest of individuals and detrimental to the common welfare are passed by Indian legislatures, and the inability of the several nations under existing circumstances to enact such laws as will protect the white element now legally within their borders and at the same time insure to themselves the rights which have been theirs under existing treaties. This last objection covers, for the most part, the whole question. The others are to be found in more advanced forms of government quite frequently.

The laws framed before the many perplexing questions of the day entered into the considerations which made their enactment necessary are, per force of circumstances, inadequate to the present requirements; the authority vested in the Indian nations to make laws that will be just and fair to the varied interests now existent within their limits is likewise inadequate. The treaties on which their right of law-making exists were framed when the Indians' only desire was to govern themselves and not the white man and his property. Yet their laws were so framed that inducements were thrown out to white men to come in, and the white man has not been slow to avail himself of the opportunities thus offered him and has come in, until now he outnumbered the Indian 4 to 1. Where so many thousand civilized people have settled in communities, and established interests social and financial, it is necessary that laws should be prescribed to regulate their conduct, to protect the right and suppress the wrong. The absence of law is a constant menace to their safety and a drag on the wheels of progress.

What facilities have the Indian nations within themselves for legislation to protect the white man in his legitimate enterprises or restrain him in the usurpation of privileges to which he is not entitled? Nothing except the right secured to them by treaty "to make and carry into effect all such laws as they may deem necessary for the government and protection of the persons and property within their own country, belonging to their people or such persons as have connected themselves with them; provided, always, that they shall not be considered as extending to such citizens and army of the United States as may travel or reside in the Indian country by permission according to the laws and regulations established by the government of the same."

MUST PASS FROM TRIBAL TO STATE GOVERNMENT AND BECOME CITIZENS.

The interests of "such citizens of the United States as reside in the Indian country by permission" and those of the Indians themselves are so nearly identical at this time, or, if not identical, so closely allied as to render the enactment of any law that would not extend to this class of persons a useless expenditure of legislative ability. The inadequacy of the Indian laws of the civilized nations, their inability under their present status to increase their efficiency, is, in my opinion, the most objectionable feature; their inability to make and enforce such laws as will protect their interests and the alien interests that form a part of their commonwealth. The principle upon which this government within a government exists to-day is wrong, so far as the Five Civilized Nations are concerned. The conditions which render self-government feasible for them have changed. These changes have, in a measure, been the natural result of their own legislation. They should follow to the end, and pass from their tribal condition to statehood and citizenship in the United States.

LAWS CREATING OR RELATING TO INDIAN TERRITORY, MAY 2, 1890.

The following data as to Indian territory to May 2, 1890, are given, as they contain details as to laws or treaties by and under which the Cherokees, Creeks, Seminoles, Choctaws, and Chickasaws at present hold their lands. The data preceding the special agents' reports are mostly for dates after May 2, 1890, at which date the reorganization of the lines of Indian territory took place and the territory of Oklahoma was organized from the western portion of it. Indian territory, June 1, 1890, as hereinbefore noted, and at present as constituted by the act of May 2, 1890, consists of the Quapaw agency, Cherokee, Creek, Seminole, Choctaw, and Chickasaw nations or tribes.

Not an organized territory.

Population June 30, 1870, 68,152.

Population 1880, 79,769.

Population 1890, 180,182, in about half of the area of 1880.

Area in 1880, 68,991 square miles, or 44,154,240 acres, given by House committee, 1886, as containing 41,102,546 acres of land; by General Land Office Report, 1886, 64,215 square miles, or 41,097,333 acres; in 1890, 19,998,039 acres, or 31,246.91 square miles.

Unsurveyed lands in 1886 in the territory, estimated, 17,150,250 acres; unoccupied lands, 9,991,167 acres.

1802 TO 1866.

That portion of the United States called "Indian country" described in the act of March 30, 1802 (2 Stats., p. 139).

After the Louisiana purchase in 1803, Congress, by the fifteenth section of the act of March 26, 1804 (2 Stats., p. 283), provided for the removal of the Indians on the east to the west side of the Mississippi river; and in May 28, 1830 (4 id., p. 411), the laying off of these lands west of said river was provided for, etc.

In June 30, 1834 (4 id., p. 729), what was to be known as Indian country was again described in the first section of that act.

By article 2 of the treaty of May 6, 1828 (7 id., p. 311), the Cherokee nation were granted lands by metes and bounds as therein described. See supplementary treaty of February 14, 1833 (7 id., p. 414), and also the treaty of December 29, 1835 (7 id., p. 748).

By article 2, treaty of October 18, 1820 (7 id., p. 210), the United States cedes to the Choctaw nation lands to the south of those granted the Cherokees in said "Indian country." Boundary line between the Choctaws and the United States fixed by first article treaty of January 20, 1825 (7 id., p. 234).

Boundaries of Choctaw grant made more specific by second article treaty of September 27, 1830 (7 id., p. 333).

By the first article treaty of February 12, 1825, the Creek nation were ceded by the United States lands in said "Indian country" (8 id., p. 257).

For boundaries of Creek grant see article 5, treaty February 14, 1833 (7 id., p. 417). By this treaty (fourth article) Seminole Indians made part of said Creek nation.

The land granted the Cherokee nation in the said Indian country west of the Mississippi river was patented to them as a nation December 31, 1838, pursuant to said treaty stipulations.

The Choctaws as a nation received a patent for the lands ceded them in said Indian country March 23, 1842.

The Creek Indians as a nation received patent for their lands in said Indian country August 11, 1852.

These three patents included lands in what is now the Creek, Cherokee, Chickasaw, Choctaw, and Seminole tribes or nations, and some of the lands now included in the state of Kansas. The lands in Kansas have been relinquished.

For change of boundaries of said patented lands, see 11 Stats., p. 611; 14 id., pp. 785, 799.

After the lands were ceded to said Indian nations they were called "Indian country," "Indian nation," and lastly "Indian territory." This latter name has been accepted and recognized by the executive in issuing orders, etc., and by Congress in establishing post-routes, etc., as the proper name to apply to this region of country.

In pursuance of treaty stipulations, etc., a portion of the lands known as Indian territory have been surveyed.

For executive orders and treaties relative thereto, see the report of the Commissioner of Indian Affairs for 1879, pages 220, 221.

The survey and patenting of the lands in this territory are done by the Commissioner of the General Land Office upon the recommendation of the Commissioner of Indian Affairs, approved by the Secretary of the Interior.

No part of said territory has been brought under the operation of general laws so as to make them subject to settlement as public lands.

The various treaties and acts of Congress relative to lands in this territory have, as far as is known, been construed to reserve them for Indian purposes.

The maps and plats of the surveys of said territory are on file in the general land office, and also in the office of the Commissioner of Indian Affairs.

INTERNAL CONDITION—SURVEYS—LANDHOLDING RATES JUNE 1, 1880.

The following tracts of country in the Indian territory have been surveyed:

SURVEYS OF RESERVATIONS AND TRACTS.

	ACRES.
Total area surveyed.....	25, 948, 692
Quapaw reservation	56, 685
Peoria, etc., reservation	50, 301
Modoc reservation	4, 040
Shawnee reservation	13, 048
Wyandotte reservation	21, 406
Seneca reservation	51, 958
Osage reservation	1, 466, 167
Kansas reservation	100, 141
Pawnee reservation	283, 026
Unoccupied Cherokee lands west of 96°, east of Pawnee reserve	105, 456
Unoccupied Cherokee lands west of 96°, west of Pawnee reserve	6, 239, 106
Unoccupied Creek lands north of Cimarron river and west of Pawnee reserve	683, 139
Sac and Fox reservation	479, 667
Pottawatomic "30-mile square" tract	575, 877
Chickasaw reservation	4, 650, 935
Kiowa and Comanche reservation	2, 968, 893
Wichita reservation	743, 610
Cheyenne and Arapaho reservation	4, 297, 771
Unoccupied Creek and Seminole ceded lands	1, 645, 890
Unoccupied Choctaw and Chickasaw leased lands	1, 511, 576

Of these the Sac and Fox reservation and the Pottawatomic "30-mile square" tract, the Quapaw, Peoria, Modoc, Shawnee, Seneca, and Wyandotte reservations have been surveyed and subdivided into 40-acre tracts; the remainder into sections, as the public surveys are made.

The object of these surveys was the fulfillment of treaty stipulations, and to enable the department to ascertain the exact location, quality, and quantity of these several tracts, with a view to the settlement of friendly Indians upon the unoccupied lands and to aid the various tribes of Indians already settled upon reservations in the adoption of habits of civilized life and their permanent settlement upon individual allotments of farms.

The following tracts remain unsurveyed:

	ACRES.
Total estimated area unsurveyed.....	15, 149, 706
The Cherokee reservation, estimated	5, 031, 351
The Creek reservation, estimated	3, 215, 495
The Choctaw reservation, estimated	6, 688, 000
The Ottawa reservation, estimated	14, 860
The Seminole reservation, estimated	200, 000

Previous to the treaties of 1866—

	ACRES.
Total area of Indian territory	41, 098, 398
The Quapaws owned	75, 167
The Mixed Senecas and Shawnees	63, 767
The Senecas of Sandusky	73, 364
The Cherokees	13, 172, 235
The Creeks	6, 998, 808
The Seminoles	1, 682, 883
The Choctaws and Chickasaws	19, 032, 174

INDIAN TERRITORY, 1866 TO 1886.

By the fourth article of the Omnibus treaty of February 23, 1867 (15 Stats., p. 514), the Quapaws ceded to the United States 18,432 acres of their lands at the rate of \$1.15 per acre, and the United States, by the twenty-second article of the same treaty, sold the same to the Peorias, etc., at the same rate, leaving a reservation of 56,685 acres to the Quapaws, which they still hold.

By the second article of said treaty the Mixed Senecas and Shawnees ceded to the United States the north half of their reserve, estimated to contain 30,000 acres, for the sum of \$24,000, which land, by the twenty-second article of the same treaty, was sold by the United States to the Peorias, etc., at the same price. This tract, by survey, contains 31,819 acres, which, with 18,482 acres of Quapaw lands, constitutes the present Peoria, etc., reservation of 50,301 acres.

By the third article the Mixed Senecas and Shawnees ceded to the United States that portion of their remaining lands west of Spring river, supposed to contain 12,000 acres, at \$1 per acre, which land, by the sixteenth article, was sold to the Ottawa Indians by the United States at \$1 per acre, and constitutes the present Ottawa reserve, and contains, by survey, 14,860 acres. Of the remainder of their lands, 17,088 acres, the Shawnees, by an agreement with the Modoc Indians, made June 23, 1874, and confirmed by Congress March 3, 1875 (18 Stat., p. 447), sold to the United States 4,040 acres for \$6,000, as a permanent reservation for the Modoc Indians, which is still held by them, leaving 13,048 acres, which the Shawnees hold and occupy as their reserve.

By the first article of the same treaty the Senecas of Sandusky ceded to the United States a strip of land on the north side of their reservation, containing 20,000 acres, for \$20,000, which land, by the thirteenth article, the United States set apart as a future home for

the Wyandottes. By the fourteenth article provision is made for there imbursement to the United States of the cost of the land. This tract, the present Wyandotte reserve, contains 21,406 acres. The Senecas hold the remainder, 51,958 acres, as their present reservation.

The Cherokees, by the sixteenth article of the treaty of July 19, 1866 (14 Stats., p. 799), ceded to the United States the authority to settle friendly Indians on any part of their lands west of 96 degrees. These lands (8,140,884 acres), when so occupied by friendly Indians, are to be paid for to the Cherokees, at such price as may be agreed upon, as stipulated in said sixteenth article.

In accordance with this stipulation and an act of Congress approved June 5, 1872 (17 Stats., p. 228), the Kansas and Osage tribes of Indians were settled upon the tract of country lying between the Arkansas river and 96 degrees, the Kaws occupying a tract of 100,141 acres and the Osages a tract of 1,466,167 acres. The price paid for these two tracts was 70 cents per acre.

By the fourth section of an act of Congress approved April 10, 1876 (19 Stats., p. 28), there was set apart, for the use and occupation of the Pawnee Indians, a tract of country, comprising 230,014 acres, out of the lands named in the sixteenth article of said Cherokee treaty, the price not to exceed 70 cents per acre. The Pawnees have been in possession of this reserve for several years, but no payment has been made to the Cherokees. The lands were appraised last year by a commission appointed under the fifth section of an act of Congress approved May 29, 1872 (17 Stats., p. 190), at an average valuation of 59.9 cents per acre. The remainder of the Cherokee lands west of 96 degrees (6,344,562 acres) is unoccupied, the United States not having as yet settled thereon any other tribes.

By the third article of the treaty concluded June 14, 1866 (14 Stats., p. 786), the Creek Indians ceded to the United States, to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon, the west half of their entire domain, at 30 cents per acre. Of this cession there were sold to the Sac and Fox Indians, at the price paid the Creeks, 479,667 acres, and to the Seminoles, at 50 cents per acre, 200,000 acres.

There are included in the Pottawatomie "30-mile square" tract 222,668 acres, from which, by an act of Congress approved May 23, 1872 (17 Stats., p. 159), allotments were authorized to be made to the Pottawatomie citizen band, and the absentee Shawnee Indians, the cost thereof to the United States (viz, 30 cents) to be paid by said Indians. No money, however, has yet been paid, though a number of allotments have been made. Of the remainder, a portion is occupied by the Cheyenne and Arapaho Indians, by authority from the President, dated August 10, 1869, and the remaining portion is unoccupied.

By the third article of the treaty March 2, 1866 (14 Stats., p. 755), the Seminoles ceded to the United States their entire domain at 15 cents per acre, being the land ceded by the Creeks for the Seminoles in the treaty of August 7, 1856 (11 Stats., p. 699). Of this cession 353,209 acres are included in the Pottawatomie "30-mile square" tract for the settlement of the Pottawatomie citizen band of the absentee Shawnee Indians, as recited in the Creek cession. Of the remainder, a portion is occupied by Cheyennes and Arapahoes, by authority from the President, dated August 10, 1869, and the balance is unoccupied by any tribe.

By the ninth article of the treaty of June 22, 1855 (11 Stats., p. 613), the Choctaws and Chickasaws leased to the United States all their lands west of 98 degrees, viz, 7,713,239 acres, for the permanent settlement of the Wichita and other Indians, the United States paying therefor the sum of \$800,000; and by the first article of the treaty of April 28, 1866 (14 Stats., p. 769), in consideration of the sum of \$300,000, the Choctaw and Chickasaw Indians ceded all of the lands west of 98 degrees named in the treaty of June 22, 1855, and known as the "leased lands," to the United States.

By the second article of the treaty of October 21, 1867 (15 Stats., p. 582), the United States set apart out of these leased lands a tract of country containing 2,968,893 acres as a permanent home for the Kiowa and Comanche Indians, the consideration therefor being a relinquishment of all their right to occupy permanently the territory outside of this tract, including their old reservation, as defined in the treaty of 1865. By an unratified agreement, made October 19, 1872, the Wichitas were assigned another tract of country out of these leased lands, embracing an area of 743,610 acres. The Cheyenne and Arapaho Indians, by authority from the President, dated August 10, 1869, occupy 2,489,160 acres, and the remainder of these leased lands (1,511,576 acres) are unoccupied by any tribes.

The above was the condition February 15, 1878. Since that date the Poncas and Nez Percés have been moved to and now occupy a portion of the Cheyenne and Arapaho lands, being a portion of the Cherokee lands west of the Arkansas river, the former 101,894 acres, and the latter 90,135 acres.

The unoccupied lands in the Indian territory are held by the United States. Under date of May 23, 1879, the Commissioner of Indian Affairs reports as to these lands as follows:

"In reply to the last inquiry contained in said resolution [viz, resolution of United States Senate May 14, 1879], 'whether it is the intention of the Government to use such unoccupied lands for the settlement of Indians and freedmen; and if the Government has such intention, what Indians and freedmen are to be located on such lands?' I have to state that it is the intention of the Indian Department, whenever the policy of the Department and the best interests of the Indians demand it, to appropriate such unoccupied lands for the use of any Indians, where their removal to the Indian territory is not prohibited by existing treaty stipulations or laws."

For a map of the Indian territory, showing all the reservations and unoccupied land therein, see Ex. Doc. No. 124, second session, Forty-sixth Congress, March 18, 1880, which is a report from the Commissioner of the General Land Office in response to Senate resolution of March 11, 1880, and exemplifications of land patents issued to Indian tribes in Indian territory, and copies of applications of railway corporations and action thereon, with map.

See Senate Ex. Doc. No. 26, first session, Forty-sixth Congress, and Senate Ex. Doc. No. 32, second session, Forty-fifth Congress.

Until the 17th day of February, 1879, it was within the power of the President of the United States by executive order to settle Indians within certain portions of that territory held expressly for that purpose, and none other. On that the following provision of law took effect and is still in force (Stat. at Large, vol. 20, p. 313), "Collecting and subsisting Apaches and other Indians of Arizona and New Mexico. For this amount, to subsist and properly care for the Apache and other Indians in Arizona and New Mexico who have been or may be collected on reservations in New Mexico or Arizona, \$320,000, and the President of the United States is hereby directed to prohibit the removal of any portion of said tribes of Indians to the Indian territory unless the same shall be hereafter authorized by act of Congress."

CONGRESSIONAL REPORT ON THE INDIAN TERRITORY: 1886.

The following is from the report made by Hon. William S. Holman, from the House Committee on Expenditures for Indians and Yellowstone Park. (See House Report No. 1076, first session, Forty-ninth Congress, March 11, 1886.)

"The specific duties of the committee only applied to a portion of the Indian territory, but incidentally affect the whole. This territory, containing 41,102,546 acres of land, is not only much greater in extent, but, on account of its geographical position, the excellence of its climate, and the superior quality of its lands, of vastly greater importance than any reservation of land ever made by the United States for the aborigines of the country. The interest in this territory is also greatly increased by the fact that it was set apart at a comparatively early period in the settlement of the country west of the Mississippi as a permanent home for Indians under special treaties and engagements, and that here a portion of the tribes have reached the greatest advancement in civilization and government of any portion of the race.

"The statesmen under whose auspices this region of country was set apart for Indian occupation, by the strong and explicit guarantees of title given to the tribes now known as 'the civilized nations' first settled within its limits, manifestly designed that this region of country should be the permanent home of Indian tribes, and the treaties and engagements of the United States, at least with the original tribes, up to this time, are in perfect harmony with that original purpose. * * * "

The following table shows the extent of land owned by each tribe now established in the territory, and the population of each tribe:

TABLE OF POPULATION AND LAND OWNED BY EACH TRIBE IN THE INDIAN TERRITORY, 1886.

NAME OF RESERVATION.	Agency.	Name of tribe occupying reservation.	Area in acres.	Square miles.	Population.
Total			41, 102, 546	64, 233	79, 469
Cheyenne and Arapaho.....	Cheyenne and Arapaho.....	Southern Arapaho and Northern and Southern Cheyenne.....	4, 297, 771	6, 715	3, 009
Cherokee	Union.....	Cherokee.....	5, 081, 351	7, 861	23, 000
Chickasaw.....	do.....	Chickasaw.....	4, 650, 935	7, 287	6, 000
Choctaw.....	do.....	Choctaw (Chahta).....	6, 688, 000	10, 450	18, 000
Creek.....	do.....	Creek.....	3, 040, 495	4, 751	14, 000
Iowa.....	Sac and Fox.....	Iowa.....	228, 418	357	89
Kansas.....	Osage.....	Kansas or Kaw.....	100, 137	156½	225
Kickapoo.....	Sac and Fox.....	Mexican Kickapoo.....	206, 466	322½	346
Kiowa and Comanche.....	Kiowa, Comanche, and Wichita.....	Apache, Comanche (Komantsu), Delaware, and Kiowa.....	2, 968, 893	4, 639	3, 108
Modoc.....	Quapaw.....	Modoc.....	4, 040	6	94
Oakland or Nez Percé.....	Ponca, Pawnee, and Otoe.....	Tonkawa.....	90, 711	142	92
Osage.....	Osage.....	Great and Little Osage and Quapaw.....	1, 470, 059	2, 297	1, 672
Otoe.....	Ponca, Pawnee, and Otoe.....	Otoe and Missouri.....	129, 113	202	266
Ottawa.....	Quapaw.....	Ottawa of Blanchard's Fork and Roche de Boeuf.....	14, 860	23	117
Pawnee.....	Ponca, Pawnee, and Otoe.....	Pawnee (Pani).....	283, 020	442	1, 045
Peoria.....	Quapaw.....	Kaskaskia, Miami, Peoria, Piankasha, and Wea.....	60, 301	78½	206
Ponca.....	Ponca, Pawnee, and Otoe.....	Ponca.....	101, 894	159	574
Pottawatomie.....	Sac and Fox.....	Absentee Shawnee (Shawano) and Pottawatomie.....	575, 877	900	1, 280
Quapaw.....	Quapaw.....	Kwapa.....	56, 685	88½	52
Sac and Fox.....	Sac and Fox.....	Otoe, Ottawa, Sac (Sauk) and Fox of the Missouri and of the Mississippi (including Mokohoka's band).....	479, 607	750	1, 126
Seminole.....	Union.....	Seminole.....	375, 000	586	3, 000
Seneca.....	Quapaw.....	Seneca.....	51, 958	81	239
Shawnee.....	do.....	Eastern Shawnee (Shawano).....	13, 048	21	69
Wichita.....	Kiowa, Comanche, and Wichita.....	Comanche (Komantsu), Delaware, Tonie, Kaddo, Kichai, Tawakanay, Wako, and Wichita.....	743, 610	1, 162	1, 034
Wyandotte.....	Quapaw.....	Wyandotte.....	21, 406	33½	251
		Unoccupied Cherokee lands.....	2, 279, 618	3, 562	
			105, 456	165	
			3, 637, 770	5, 684	
		Creek lands in Cheyenne and Arapahoe treaty reserve.....	683, 139	1, 067	
		Unoccupied Creek and Seminole lands.....	1, 211, 272	1, 892½	
		Unoccupied Chickasaw and Choctaw lands.....	1, 511, 576	2, 362	

All of the tribes mentioned in the above list except the tribes at Quapaw agency and the Five Civilized Tribes, viz: The Creeks, Cherokees, Seminoles, Choctaws, and Chickasaws who now live in Indian territory, became a part of the territory of Oklahoma by the act of May 2, 1890, and now reside there. Some of them have sold their lands in excess of allotments to the United States.

RELATIONS BETWEEN THE UNITED STATES AND THE FIVE TRIBES IN 1892.

The Committee on Indian Affairs in the United States Senate, July 26, 1892, submitted a report on a certain proposed agreement with the Cherokee nation, one of the Five Tribes, and in it discussed the existing relations between the Five Tribes and the United States and the benefits to be derived by the Indians from becoming citizens. The report was made by the Hon. O. H. Platt, of Connecticut, and is Senate Report No. 1079, Fifty-second Congress, first session.

In this report citizenship and allotment are discussed and the nature of the Five Tribe land holdings shown, as follows:

The anomalous condition of five separate independent Indian governments within the government of the United States must soon, in the nature of things, cease. Each of the Five Civilized Tribes, viz, the Cherokees, the Creeks, the Chickasaws, the Choctaws, and Seminoles, has an independent government, claimed by the Indians to be as sovereign and secure in all respects, where exceptions have not been made by treaty, as the government of any foreign power.

The guaranty which the United States gave to these Indian nations or tribes, under which these governments were established, grew out of the policy, adopted by the British government and maintained by the United States until 1871, of treating with the Indians as independent and foreign nations. That policy has been abandoned since 1871, but the governments created in the case of the Five Civilized Tribes, as they are called, remain.

When these governments were established and guaranteed, to the extent that they were guaranteed by the United States, they were in a remote section of the country, far removed from other settlements, with modern means of travel and communication unknown, and without the slightest anticipation of the condition of things which now exists. To-day they are surrounded by settled states and

territories; white citizens, by the permission of the Indians themselves, have been admitted into their territory, until now the white people domiciled within the borders of the Five Civilized Tribes outnumber the members of the tribes, and are rapidly increasing.

Our whole policy of dealing with the Indians has changed. It is now the purpose of the government to make them citizens as rapidly as possible, and to wipe out the line of political distinction between an Indian citizen and other citizens of the republic. And it must be evident to all who observe the changed condition of our country, and appreciate the change in our policy with regard to the Indians, that the day is rapidly approaching when the Indians now constituting these independent governments must be absorbed and become a part of the United States.

As to the means by which this desired end is to be reached, the committee has at the present time no definite suggestions to make. It simply points to the admitted fact, acknowledged by Indians and non-Indians alike, that the change must soon come.

With reference to the present relations between the United States government and the Five Civilized Tribes, and the advantages to be derived by the Indians as well as the United States by the surrender of such governments and their incorporation into our system, the committee submits the following summary:

(1) **CHEROKEES.**—In the preamble to the treaty of May 6, 1828, the United States guarantees to the Cherokee nation, in their lands west of the Mississippi, a permanent home "that shall never, in all future time, be embarrassed by having extended it the limit, or placed over it the jurisdiction of a territory or a state, nor be pressed upon by the extension in any way of any of the limits of any existing territory or state." (7 Stats., p. 311.) By the fifth article of the treaty of December 29, 1835, the United States agreed that the lands ceded to the Cherokees by that treaty should, in no future time, without their consent, be included within the territorial limits or jurisdiction of any state or territory. But they should secure to the Cherokee nation the right, by their national councils, to make and carry into effect all such laws as they might deem necessary for the government and protection of the persons and property within their own country belonging to their people, or such persons as had connected themselves with them, if not inconsistent with the Constitution of the United States and such acts of Congress as had been or might be passed, regulating trade and intercourse with the Indians. (7 Stats., p. 481.) By the seventh article of said treaty it is stipulated that the Cherokee nation "shall be entitled to a delegate in the House of Representatives of the United States whenever Congress shall make provision for the same" (p. 482).

By the second article of the treaty of August 6, 1846, it is provided that "laws shall be passed for equal protection, and for the security of life, liberty, and property; and full authority shall be given by law to all or any portion of the Cherokee people peaceably to assemble and petition their own government, or the government of the United States, for the redress of grievances and to discuss their rights." (9 Stats., p. 872). The laws provided in this article, it is presumed, are such as were thereafter to be enacted by the Cherokee council.

The fourth and fifth articles of the treaty of 1866 contain stipulations concerning Cherokees, freed persons, and free negroes who may elect to reside in a specified district within the Cherokee domain, and the sixth article provides as follows:

"The inhabitants of the said district hereinbefore described shall be entitled to representation according to the number in the national council, and all laws of the Cherokee nation shall be uniform throughout said nation; and should any such law, either in its provisions or in the manner of its enforcement, in the opinion of the President of the United States, operate unjustly or injuriously in said district, he is hereby authorized and empowered to correct such evil and to adopt the means necessary to secure the impartial administration of justice as well as a fair and equitable application and expenditure of the national funds as between the people of this and every other district in said nation." (14 Stats., 800.)

In article 12 the Cherokees give their consent to a general council consisting of delegates elected by each nation or tribe lawfully residing within the Indian territory, to be annually convened in said territory, with powers as therein prescribed. The sixth subdivision of this article reads as follows:

"The members of said council shall be paid by the United States the sum of \$4 per diem during the term actually in attendance on the sessions of said council, and at the rate of \$4 for every 20 miles necessarily traveled by them in going from and returning to their homes, respectively, from said council, to be certified by the secretary and president of the said council." (Ibid., 803.)

The twenty-second article provides for the survey and allotment of their lands whenever the national council shall request it. (Ibid., 803.)

By the twenty-sixth article the Cherokees are guaranteed peaceable possession of their country and protection against domestic feuds, insurrections, hostile tribes, and intrusion from all unauthorized citizens of the United States; and by the thirty-first article thereof it is expressly stipulated that nothing therein contained shall be construed as a relinquishment by the Cherokee nation of any claims or demands under the guaranties of former treaties, except as therein expressly provided (p. 805).

(2) **CHICKASAWS.**—By the second article of the treaty of May 24, 1834, the United States consented to protect and defend them in their home west of the Mississippi, when selected, against the inroads of any other tribe of Indians, and from whites, and agreed to keep them without the limits of any state or territory. (7 Stats., p. 450.)

By the seventh article of the joint treaty of April 28, 1866, with the Choctaws, the Chickasaws and Choctaws agreed to such legislation as Congress and the President of the United States might deem necessary for the better administration of justice and the protection of the rights of person and property within the Indian territory: Provided, however, That such legislation should not in anywise interfere with or annul their present respective legislatures or judiciaries or the rights, laws, privileges, or customs of said nations, respectively. (14 Stats., p. 771.)

The eighth article provided for a national council of the various tribes of Indian territory, and the ninth clause thereof stipulates that "whenever Congress shall authorize the appointment of a delegate from said territory it shall be the province of said council to select one from among the nations represented in said council" (p. 773).

The eleventh article provides for the survey and allotment of their lands, whenever their national councils should request it (p. 774). The Chickasaws did by their legislative council give said assent, but the Choctaw council has never agreed thereto, the tenure of the lands being such as to require joint and concurrent action of the two bodies.

(3) **CHOCTAWS.**—The fourth article of the treaty of September 27, 1830, granted the Choctaw nation of Indians exclusive jurisdiction and self-government over the persons and property of the nation, so that no territory or state should ever have a right to pass laws for the government of that nation and their descendants; and that no part of the land granted them should ever be embraced in any territory or state, and, further, would secure forever said nation from and against all laws except such as from time to time might be enacted in their own national council, not inconsistent with the Constitution, treaties, and laws of the United States and except such as might be enacted by Congress in exercising legislation over Indian affairs as required by the Constitution. (7 Stats., p. 333.)

By the fifth article the United States guarantees protection to said Indians from domestic strife and foreign enemies, on the same principles that the citizens of the United States are protected (p. 334), and by the twenty-second article the Choctaws express "a solicitude that they might have the privilege of a delegate on the floor of the House of Representatives extended to them" (p. 338).

By the seventh article of the joint treaty of April 28, 1866, they agree with the Chickasaws to the legislation hereinbefore recited under the head "Chickasaw." Provision for a delegate to Congress is set forth in the eighth article, and for survey and allotment of lands in the eleventh article of said joint treaty. (See Chickasaw.)

(4) CREEKS.—By the fourteenth article of the treaty of March 24, 1832, the Creek nation of Indians are guaranteed a patent for their lands west of the Mississippi, agreeably to the third section of the act of Congress of May 2 (28), 1830; also that no state or territory should ever have a right to pass laws for the government of said Indians, but that they should be allowed to govern themselves, so far as might be compatible with the general jurisdiction which Congress might think proper to exercise over them. (7 Stats., p. 368.)

The fourth article of the joint treaty of August 7, 1856, with the Creek and Seminole Indians provides that no state or territory shall pass laws for said tribes, and no portion of their lands defined in said treaty shall ever be embraced or included within or annexed to any territory or state, nor shall either or any part of either ever be erected into a territory without the full and free consent of the legislative authority of the tribe owning the same. (1 Stats., p. 700.)

The fifteenth article of said treaty secures the unrestricted right of self-government and full jurisdiction over person and property within their respective limits, excepting all white persons with their property who are not, by adoption or otherwise, members of either the Creek or Seminole tribe, so far as may be compatible with the Constitution of the United States and the laws made in pursuance thereof regulating trade and intercourse with the Indian tribes (p. 703).

The eighteenth article provides for the protection of said tribes of Indians from domestic strife, hostile invasion, and aggression by other Indians or white persons not subject to their jurisdiction and law (p. 704).

By the tenth article of the treaty of June 14, 1866, the Creeks agree to such legislation as Congress and the President of the United States may deem necessary for the better administration of justice and the protection of the rights of person and property within the Indian territory: Provided, however, That said legislation shall not in any manner interfere with or annul their present tribal organization, rights, laws, privileges, and customs. (14 Stats., p. 788.)

(5) SEMINOLES.—By the seventh article of the treaty of March 21, 1866, the Seminoles agree to such legislation as Congress and the President of the United States may deem necessary for the better administration of justice and the protection of the rights of person and property within the Indian territory: Provided, That said legislation shall not in any manner interfere with or annul their present tribal organization, rights, laws, privileges, and customs. (14 Stats., p. 758.)

Neither the Creeks nor Seminoles in any joint treaty, nor by this treaty of 1866, express any desire or wish upon the subject of a delegate to Congress.

The Creeks having, on the 10th of July, 1861; the Choctaws and Chickasaws on the 12th of July, 1861; the Seminoles on the 1st of August, 1861, and the Cherokees on the 7th of October, 1861, made treaties, respectively, with the confederate states, the President, by the Indian appropriation act of July 5, 1862 (12 Stats., p. 528), was authorized by proclamation to declare all treaties existing between the United States and said tribes to be abrogated if, in his opinion, it could be done consistently with good faith and legal and national obligations. (See R. S., 2080.)

Not desiring to take advantage of or to enforce the penalties therein authorized, the President, in September, 1865, appointed a commission empowered to make new treaties with the tribes residing in the Indian territory, upon a basis containing seven propositions, the sixth of which was that—

"It is the policy of the government, unless other arrangements be made, that all the nations and tribes in the Indian territory be formed into one consolidated government after the plan proposed by the Senate of the United States in a bill for organizing the Indian territory."

The representatives of the various tribes were assembled at Fort Smith and signed what is known as the Fort Smith treaty—made preliminary to the subsequent treaties of 1866.

The Cherokees held that "the consolidation of all the nations and tribes in the Indian territory into one government is open to serious objection. There are so many, and in some instances antagonistic, grades of tastes, customs, and enlightenment that to throw the whole into one heterogeneous government would be productive of inextricable confusion; the plan proposed by the United States Senate may obviate the difficulties which now appear so patent to us." (See Annual Report of Commissioner of Indian Affairs for 1865, p. 306.)

The Chickasaws reported: "We thought the government would first make a treaty of peace with us all. Indians are different from whites. They are vindictive; hatred lasts long with them. Not so with whites. The government must settle the difficulty; the Indians can not. That done let us be centralized, and a government established in the Indian territory" (p. 317).

The Creeks reported that "As to a territorial form of government, we have to say that we know but little, but prefer our tribal condition" (p. 341).

The loyal Creeks signified to the commissioner their entire assent to most of the propositions, including territorial government (p. 341).

The Seminoles consented to the sixth proposition, then afterwards rescinded their action, and asked that the question stand open for future consideration (p. 351).

In the subsequent treaties made in 1866 the Choctaws and Chickasaws by the seventh article, the Creeks by the tenth article, and the Seminoles by the seventh article, agreed "to such legislation as Congress and the President of the United States may deem necessary for the better administration of justice and the protection of the rights of person and property within the Indian territory: Provided, however, that such legislation shall not in anywise interfere with or annul their present tribal organization, or their respective legislatures or judiciaries, or the rights, laws, privileges, or customs."

Under the provision of these treaties the Indians have agreed that Congress may legislate for the better administration of justice and the protection of the rights of property and person within the limits of the present Indian territory, so far as it relates to the Choctaw, Chickasaw, Creek, and Seminole Indians.

At the breaking out of the rebellion the Five Civilized Tribes entered into treaties with the confederate states, so called, and, it was claimed, had forfeited treaty rights.

But by the new treaties, however, former treaty rights, not inconsistent with the treaties of 1866, were restored and guaranteed by the United States.

At this time it seemed to be the policy of the government to make an exclusive Indian territory, to which should be removed other Indians, so that the whole territory should become filled with Indian tribes alone. This policy of the Government seems to have included the idea of a territorial government, in which all of the tribes which might occupy the Indian territory, as well as the Five Civilized Nations, should have representation after the manner of other territorial organizations.

The territory which was to be thus organized into what might be called a distinctly Indian government was, until the organization of the territory of Oklahoma, marked upon our maps and known as the Indian territory, deriving that name from the plan of the territorial organization already alluded to.

An article was inserted in each of the treaties made with the Five Civilized Tribes in 1866, by which they consented to become members of such Indian territorial government. This article in the Cherokee treaty is article 12, and is identical with similar articles found in the other treaties. The president of the legislative council was to be designated by the Secretary of the Interior.

The plan thus proposed was never carried into execution; and a large part of the lands (probably more than one-half) which, under the policy then mapped out, were to have been occupied by Indian tribes and consolidated into one territorial government, has been opened for settlement, and now comprises the territory of Oklahoma. It is essential to bear in mind this policy of the government and the consent of the Five Civilized Tribes, as expressed in said treaties, for a thorough and correct understanding of many of the provisions found in those treaties. (a)

That the present anomalous condition can not continue forever must be apparent to everyone. The day is past when these Indians can be kept to and by themselves, free from the intermingling of whites. They have themselves allowed and invited white persons to come among them, until now the white people outnumber them.

The reason of the guaranty, which was undoubtedly that it was believed best that they should be permitted to live and dwell by themselves, has long since ceased to exist. It is believed that the Indians themselves feel that the time is rapidly approaching when they must become citizens of a state. Doubtless many of them would prefer to have that time delayed. But the logic of events is rapidly hastening the time when this question must be solved. Better qualified to become citizens than any other Indians in the United States, the sooner these Indians take their lands in severalty and assume all the responsibilities and enjoy all the privileges of citizens, both of the nation and of a state, the better it will be for them, in the judgment of the committee.

It is to be hoped that such a result may be obtained without violation of treaties, and with the full consent of the Indians.

The question for providing a different government for the territory occupied by these Indians is not a new one.

Senator McDonald, in his report from the Committee on Territories on this subject, on the 27th of April, 1870, says:

"It is in consonance with the new policy of the government, born of the war and matured by the fifteenth amendment, that no alien race shall exist upon our soil; all shall be citizens, irrespective of race, color, or previous condition of servitude.

"It is a part of the inexorable logic of the times that the Indian must adapt himself to the rights and duties of citizenship. He must wield the franchise and fulfill the obligations imposed thereby; otherwise he will gradually disappear as the waste soil becomes more and more absorbed by the increasing necessities of agriculture. Then, as a matter of economy to the government and the Indian nation, as a simple act of justice and fair play to the Indians, and to carry out in good faith the stipulations of the treaties of 1866, it is urgently recommended. The legislation contemplated will afford ample remedy for serious evils complained of by the Indians, will be a measure of protection fully adequate to their necessities, and will be a large advance toward their complete civilization." (See Senate Report No. 131, Forty-first Congress, second session.)

Senator Nye, in a report made on a bill for the organization of Indian territory, on the 1st of February, 1871, declared:

"That the present government of this territory is no longer a suitable one is universally admitted; that it is inadequate to the proper protection of life and of property among the Indians in their present advanced condition is not denied. Not only is its continuance earnestly protested against by the people of the bordering states, but the Indians themselves admit its unfitness and demand a change, and the change which they propose is in the direction of the establishment of a stronger central authority with fuller and more direct control. * * * In order that this territory may be prosperous it must not only be well governed but the development of its resources must be encouraged, or at least made possible. No proposition is better established in the American mind than that the welfare of a state and the happiness of its citizens require that the lands be held in private proprietorship and in tracts sufficiently small that each may be cultivated and managed in person by its individual owner. Any system which does not encourage this is bad, and any which actually prohibits it will not long be tolerated. * * * Where there is no individual property there will be no considerable individual industry. If the Indian is to be civilized he must learn to work; and no man will work cheerfully without the spur of competition and incentive of acquiring wealth. The common good of a large community, the public welfare, are ideas too vague to inspire personal effort except with very few, even in the highest stages of civilization. To the masses they furnish no incentive to toil. And of all species of property whose acquisition stimulates exertion, the soil is first in rank. This alone gives a home. The opportunity to acquire in absolute unconditional proprietorship a tract of land, by the cultivation of which the individual can be supported in independence and the family reared in comfort, is the highest motive to effort which can be proposed." (See Senate Report No. 336, Forty-first Congress, third session.)

a On these points Hon. J. B. Mayes, principal chief of the Cherokee nation, in his fourth annual message, 1890, wrote: "The [Cherokee] national council has never assumed the sole right of disposing of lands belonging to the Cherokee people. The treaty of 1866 was a result of the civil war and forced upon this nation as an alternative for something worse. The Cherokees submitted to and ratified it, whereby an agreement was made for the sale of the Cherokee lands west of 96 for the settlement of friendly Indians. But this idea has long since been abandoned by the United States government. The original intention to reserve the entire Indian territory for the Indians, as first inaugurated by such men as Jefferson and Jackson, was still provided for in the treaty of 1866 and carried out in good faith by that great man, General Grant, at the close of the late war. But this faith was broken and violated in the organization of the United States territory of Oklahoma in the midst of the Indian country. Under these circumstances the Cherokee nation must consider the full and complete ownership of these lands, and if ever sold it must be by all means at a price equal to its value either by a constitutional amendment or by the modification of the treaty of 1866 in a manner that will make the sale to the government instead of to friendly Indians. This can, perhaps, be effected if the Cherokees so desire it, and by following this line of policy the sale, if made at all, should be made under the shelter of treaty stipulations, which treaty stipulations the Cherokees can never afford to lose sight of as a safeguard in their dealings with the government of the United States.

"Our people should feel proud and thankful that such distinguished men as Senators Butler, Teller, Ingalls, and Dawes, and others, have the manhood to openly declare on the floor of the United States Senate that this land is the property of the Cherokee nation, and that we have the right to live upon it and keep it forever, and, if we choose, to sell it; that we are entitled to its value.

"A distinguished senator remarked, in a speech in the United States Senate, that the Cherokee commissioners came to this country 'with a proposition in one hand and a sword in the other,' to buy our land for \$1.25 per acre, which is worth from \$3 to \$5 and even \$10 per acre. Politics should not enter into your deliberations on this question, as it is a matter of pecuniary interest to every citizen alike. A division and political strife on this subject may cause the nation to lose millions of dollars. Whatever is done, let us come together as one family and agree for the best."

One objection heretofore made by the Indians of the Five Civilized Tribes to taking lands in severalty has been that all the patents which have conveyed to them their lands have contained a clause that the lands should revert to the United States if the tribe should become extinct or abandon the same. And the fear has been expressed that if the tribal government should be abandoned upon the allotment of land in severalty it might be construed into an extinction of the tribe and work a reversion of the land; or if when allotted in severalty particular parcels should be abandoned by the allottees they might be claimed by the government of the United States.

While the committee think that this fear is groundless, it would be entirely proper for the government to enact that in case of the allotment of lands in severalty to the individual members of these nations, the government would relinquish all of its reserved rights to the lands.

THE TREATY OF 1866.

The treaty with the the Cherokees of 1866, above referred to, has been a serious matter of contention among the Cherokees. In the testimony of H. H. Hubbard, taken before a subcommittee of the Committee on Indian Affairs of the United States Senate, at Washington, June 9, 1892, much can be found of interest as to this treaty. The following is from pages 96, 97, 98, 99, 100, and 101 of the printed testimony. (a)

«The full title of the printed testimony is:

Relations between the United States and the Five Civilized Tribes of Indians.—Testimony taken by a subcommittee (composed of Senators Platt, Pettigrew, and Jones, of Arkansas) of the Committee on Indian Affairs, pursuant to the following resolution of the Senate of ——— 1892:

Resolved, That the Committee on Indian Affairs, or any subcommittee thereof, have power to employ a stenographer to report hearings in connection with Senate bill 2870, "to ratify and confirm an agreement with the Cherokee nation of Indians of the Indian territory, to make appropriation for carrying out the same, and for other purposes," and upon the relations existing between the United States and the Five Civilized Tribes of Indians. Said committee, or subcommittee, shall have power to send for persons and papers; and the expenses incurred by such hearings shall be paid out of the contingent fund of the Senate, upon vouchers properly approved by the chairman of said committee.

The Cherokee authorities claim that under the decisions of the Supreme Court of the United States they are an independent nation, a state, or a political entity, and under their constitution or act of union a corporate body, and as such they have the right to the exclusive jurisdiction over all questions relative to citizenship in that nation without any regard to the paramount authority of the United States.

It must be understood in this connection, however, that that nation has no original right of sovereignty, nor no other rights of local self-government than such as are guaranteed in its treaties with the United States. It may be conceded that as a corporate body it may have the right to determine who shall be its members or citizens, i. e., who shall exercise the usual attributes of citizenship, such as to vote, to hold and perform the functions of its offices, to sue and be sued in its courts, or to exercise any of the various other prerequisites thereof. But where the right to a common use and benefit of the land and national funds are involved, and which right is specially conferred by treaty stipulations, there can be no valid claim to justify such an unwarranted assumption of power. It is quite plain that the treaties have already settled these points.

Nothing in the English language is clearer than the words set forth in the first article of the treaty of 1846, that "the lands now occupied by the Cherokee nation shall be secured to the whole Cherokee people for their common use and benefit."

It is a well-known fact that this treaty was made to compromise the disputes and contentions of three factions of Cherokee people, each claiming to be the Cherokee nation. One faction was the "Ross party," largely in the majority in numbers; then the "Ridge party," claiming superiority because that faction had negotiated the treaty of 1835; and, lastly, the "Old Settler party," composed of the original or first settlers and the negotiators of the treaty of 1828, by which the lands in dispute were first acquired.

Then the United States, to settle the question forever, declared the lands to be for the common use and benefit of the whole Cherokee people, including every individual Cherokee, east or west.

Yes, to-day these lands stand secured to all the Cherokee people; not to a self-constituted part, but to the whole; not to those alone who were fortunate enough to be placed upon the rolls; not alone to those who are recognized citizens or members of the Cherokee nation, as Mr. Boudinot so strenuously contends. We must construe the language of the treaties according to the common acceptance and meaning of the words used.

The treaty of 1866, upon which we depend so much for the establishment of our rights as Cherokees, was also a compromise to settle one of the most serious splits or divisions ever known among the Cherokee people.

By reference to the history of the situation which existed at the time this treaty was negotiated, the necessity for the timely insertion of the provisions therein will be very clearly seen.

The Supreme Court of the United States has decided that "courts, in construing a statute, may properly recur to the history of the times when it was passed, and this is frequently necessary in order to ascertain the reason as well as the meaning of particular provisions in it." (United States vs. Railroad Company, 91 U. S., 78.)

Again it has decided: "Our Constitution declares a treaty to be the law of the land. It is consequently to be regarded in the courts of justice as equivalent to an act of the legislature whenever it operates of itself without aid of any legislative power." (Foster vs. Nelson, 2 Peters, 314.)

Again: "Treaties are the supreme law of the land, and courts can no more go behind them for the purpose of annulling their effect and operation than they can go behind an act of Congress." (Fellows vs. Blacksmith, 19 How., 367.)

I propose, therefore, briefly, to "recur to the history of the times" which brought about the treaty of July 19, 1866, with the Cherokees, "in order to ascertain the reason as well as the meaning of particular provisions in it."

When the war of the rebellion broke out in 1861 it involved the Cherokees, who were largely a slaveholding people, and very naturally, under the seductive influence of such men as the late General Albert Pike, the Confederate commissioner, and others, they were induced to renounce their allegiance to the United States, and join their forces and fortunes with the Southern Confederacy, which was done almost unanimously by a treaty negotiated and concluded at Park Hill, the residence of John Ross, the principal chief, on the 7th of October, 1861.

Under this treaty three regiments of Cherokee soldiers, numbering about 3,000 men, were raised to act in concert with the troops of the Confederacy. These regiments actively participated in the military operations of the South until after the battle of Pea Ridge, in which they were engaged, and which resulted disastrously to the Southern army. After this battle the regiment commanded by Colonel Drew went over to the Union army almost en masse. This movement caused John Ross to become a loyal man, in order to save his

FIVE-TRIBE SURVIVORS OF THE WAR OF THE REBELLION.

In compliance with the census law, efforts were made to obtain the names, service, and organizations of surviving soldiers of the war of the rebellion or the names of the widows of the same. At the breaking out of the rebellion the Five Civilized Tribes entered into treaties with the Confederate states, and, it was claimed, had thereby forfeited treaty rights. It was most difficult to obtain information on any of these points. Ex-soldiers were reluctant to answer and widows refused. Some years ago in Indian territory there was a great deal of trouble over matters connected with the bounty and pay of some of the Indian soldiers who served in the Union army. It was the subject of congressional investigation, and made the ex-Indian soldiers cautious afterwards as

people and their material interests from total destruction. Then over 2,000 Cherokees, men, women, and children, without food, clothing, or supplies, refuged and claimed protection within the Union lines, and were transferred to Neosho, Missouri, and taken charge of by the military authorities of the United States.

A special session of the Cherokee council was called and held in February, 1863, at Cowskin Prairie, just over the Missouri line in the Cherokee nation, and legislation was enacted as follows:

- (1) John Ross was continued principal chief.
- (2) The treaty of October 7, 1861, with the Confederate states was abrogated.
- (3) A delegation consisting of Chief Ross, Colonel Downing, and others was appointed to represent the Cherokee nation before the United States.
- (4) A law was passed deposing all officers disloyal to the government and confiscating all property and improvements of rebel Cherokees.
- (5) Providing for the abolition of slavery in the Cherokee nation.

Notwithstanding the reorganization of the Cherokee government and the presence of a small force of United States troops to support and uphold it, the ravages of war fell heavily upon the Cherokee country and its people. The country was overrun by scouting parties and infested by guerillas, who preyed upon and destroyed everything of a destructible character, so that more than 300,000 head of live stock alone were numbered with their other losses.

From the report of the Commissioner of Indian Affairs for 1865 (p. 36) it appears that the ancient feuds between the Ross and Ridge parties still existed. Many of the latter remained under Colonel Stand Watie in the southern service until the close of the war, banished and debarred by the Ross party from returning to their old homes in the Cherokee nation, and were living in great destitution among their red brethren, the Creeks, Choctaws, Chickasaws, and Seminoles. Many were camped upon the banks of Red river, on the Texas frontier, and were houseless, homeless, and poverty stricken.

The act of confiscation, passed by the Ross party in 1863, when they returned to their allegiance, was put in force with the utmost rigor against the Watie faction, so that some 5,000 or 6,000 members of the tribe had been banished most effectually from their homes, their improvements confiscated, and the proceeds turned into the national treasury.

The report of Elijah Sells, superintendent of Indian affairs, of October 16, 1865, shows that all prospect of securing a reconciliation between these parties for the time being was being abandoned by the United States commissioners, and the proposition was seriously considered of securing a home for Watie and his followers among the Choctaws or Chickasaws.

The southern Cherokees, then headed by the late E. C. Boudinot, in a communication dated September 16, 1865, demanded a division of the Cherokee territory, stating they were willing to proffer the olive branch of peace and be reconciled to their brethren of the so-called loyal portion of the nation, but respectfully urged that after all the bloodshed and intense bitterness that seemed to fill the bosoms of their brethren, they ought not be expected to live together in an undivided country. They wished peace and they believed they could have it in no other way than by an equitable division of the Cherokee country in such manner as should seem most appropriate to the United States.

At a subsequent interview with Commissioners Cooley and Sells, March 30, 1866, in which each faction was represented by eminent counsel, the "loyal" by Thomas Ewing and the southern element by Hon. D. W. Voorhees, intense bitterness prevailed in the discussions, the result of over 20 years of unrelenting hostility. The southern element numbering, as above stated, some 6,500, which was really nearly or quite half of the whole tribe, were still living in banishment among the Choctaws and Chickasaws, and they felt it would be unsafe to return to their old homes in the Cherokee nation with the Ross party in full power and in possession of the machinery of the government and ready to apply with severest rigor the engineering of their confiscation laws. The representatives were therefore instructed to demand, as the only hope for their future peace and happiness, a division of the Cherokee lands and funds in proportion to their numbers between the two contending parties.

The Ross or loyal party replied that if the southern element felt the impossibility of living comfortably together in the midst of their loyal brethren, the latter were willing that the portion of their natural domain known as the Canadian district should be devoted to their sole occupation and settlement for a period of two years, or until the President of the United States should deem it advisable to longer continue such exclusiveness.

To this the southern Cherokees refused to assent, because of the insufficient area of the Canadian district, and because they were unwilling to trust themselves under the jurisdiction of the laws and courts of their enemies, who were in possession of the machinery of the national government.

It was ascertained by sundry interviews, consultations, and discussions between Commissioners Cooley and Sells, from March to June, 1866, that each faction was desirous of making a treaty with the government, and each was fearful lest the United States should recognize the other as the proper party with which to conclude that treaty. The United States officials were convinced that the Ross party represented the rightfully constituted authorities of the nation, and their delegates were thus the only really authorized persons with whom a treaty could with strict propriety be made.

But they were also convinced that it would be highly improper to conclude any treaty which should leave the southern Cherokees in any degree subject to the malice and revengeful disposition of their enemies.

The United States was anxious to secure the cession of sufficient land to colonize the Indian tribes then resident in Kansas, and the southern Cherokees agreed to cede all the land west of 96° west longitude for that purpose.

The "loyal" party refused to make any such cession, and the United States, despairing of success with that element, concluded a treaty with the southern element on June 13, 1866.

This treaty was duly signed, witnessed, and transmitted through the Secretary of the Interior to the President for submission to the Senate of the United States. The President, however, retained this treaty for more than a month, when, upon the conclusion of a

to questions they answered or signatures to papers. This cause, added to the natural caution of the Indian as to the purposes or intentions of the white man, resulted in the enrollment of but few Indian soldiers on the special schedules. Inquiry at the War Department resulted in the following:

WAR DEPARTMENT, WASHINGTON CITY, October 30, 1891.

SIR:

In reply to your request for a statement showing the number of men and organizations raised in the Indian territory among the Five Civilized Tribes of Indians for the Union and Confederate state armies during the late war, I am directed by the Secretary of War to inform you that there were 3 regiments of Indian Home Guards in the service of the United States during the late war, viz:

Total	276
First regiment, strength during service	868
Second regiment, strength during service	907
Third regiment, strength during service	1,501

The tribal relations of the men composing these organizations can not be determined. From a memorandum received of the adjutant-general it also appears that the following Indian organizations served in the Confederate states army, viz:

First Choctaw and Chickasaw mounted volunteers, First Cherokee mounted volunteers, Second Cherokee mounted volunteers, First and Second Creek mounted volunteers, First battalion Seminole mounted volunteers, First Cherokee mounted volunteers, Hunter's Indian regiment.

The rolls of these organizations are incomplete and the correct number of men composing each organization can not be determined.

Very respectfully,

F. C. A. VORTH,
Major and Surgeon, United States Army

As a fact, these organizations were almost all from the Five Civilized Tribes in Indian territory.

The roster of the Indian regiments contain some names and data curious to whites, as, for example:

First Indian guards: Capt. Tul-se-fix-se-ko, killed February 1, 1863; Capt. Ah-ha-la-tus-ta-uuk-ke, died at Camp Moonlight, Arkansas, March 23, 1863.

Second Indian guards: Capt. Spring Frog, mustered out May 31, 1865; Capt. Eli Tadpole, died of disease, April 15, 1863; Lieut. Andrew Rabbit, resigned July 12, 1863; Capt. Jim Ned, missing since August 31, 1862; Capt. Dick Throw Tiger, resigned August 1, 1863.

Third Indian guards: Capt. Daniel Grasshopper, died October 3, 1862, of wounds received in action; Lieut. Jumper Duck, died of disease, October 20, 1863; Lieut. Red Bird Six Killer, mustered out May 31, 1865.

treaty under date of July 19, 1866, with the loyal Cherokees, he returned the former treaty to the commissioners at the time he transmitted the latter instrument to the Senate for the advice and consent of that body for its ratification.

The treaty of July 19, 1866, contained about the same provisions as that negotiated June 13 with the Southern Cherokees, and though it did not fill the desire of the United States, and though it did not completely satisfy in its terms either of the discordant Cherokee elements, it was the best compromise that could be effected under the circumstances, and was ratified and proclaimed August 11, 1866. (U. S. Stat. L., vol. 14, p. 799.)

The changed conditions of to-day with that which existed at the time this treaty was concluded does affect the provisions thereof.

Mr. Boudinot, on page 58 of his additional statement of May 17, states that the provisions of this treaty relate solely to an adjustment of the differences that grew out of the war, and any references thereto on my part are "wholly irrelevant."

Let us see what the Supreme Court of the United States has decided upon this particular point. It is declared in 1 Opinions, pages 645, 647, as follows:

"Stipulations of treaties so long as they remain unaltered can not fluctuate with the changing conditions of the parties. They can not mean one thing one year and another thing another year. A change in the condition of the parties may be a very good reason for changing the stipulations themselves, but not for varying the construction of stipulations of a fixed character."

It may be admitted that the feuds and dissensions which existed prior to the negotiation of this treaty, and which divided the Cherokees into two hostile factions, and which necessitated the provisions therein ceased to exist; but it can not be admitted that there remains no longer any cause for maintaining the geographical divisions and the political and legal distinctions set forth therein so clearly and distinctly. And more especially since "history is repeating itself" in the efforts now making on the part of the Cherokee nation to banish from their homes and to confiscate the improvements of 7,000 people now resident therein who claim equal rights and equal privileges with all the Cherokees under these provisions.

These important provisions were specially stipulated as a barrier to prevent any repetition of an effort by one faction or party of Cherokees to deprive another of their right to occupy the lands or to enjoy an equitable distribution of their national funds. Take, for instance, that class of persons included in the term "inhabitants," and specially designated as having been slaves to Cherokees, and those free persons of color who were living in the Cherokee nation prior to June 1, 1861. Large numbers of this class of persons were denied by the Cherokee nation the right to citizenship and any participation in the distribution of the Cherokee national fund until, by the act of Congress approved October 19, 1888, \$75,000 was set apart out of the Cherokee funds held in trust by the United States to secure these persons in their rights, and a United States commissioner was appointed to go down into the Cherokee country to hear proof and determine who of that class of persons were entitled to citizenship and to participate in the distribution of that fund.

This action of Congress to protect the rights and to redress the wrongs of this class of the "inhabitants" as wards of the United States is a plain and positive declaration of its power and of its disregard of the claim set up by the Cherokee nation of its exclusive right to settle the question as to who shall or who shall not be its citizens. If Congress has the constitutional right to settle the status of one class of its wards, it certainly will not be denied but that it can settle the rights of all its wards.

There shall be no discrimination as to race, color, or previous condition of servitude, and if the United States can settle the question of citizenship of the freedmen and the adopted Shawnee and Delaware Indians, you can not deny the same privileges to us who claim that we are Cherokees by blood and have the *prima facie* and other legal evidence to prove the fact.

The fact is, the United States alone must settle these disputed questions, as has already been done in the cases just cited.

A circular issued July 15, 1885, by the adjutant-general, United States Army, stated that the three Union Indian regiments or Indian soldiers from Indian nations furnished 3,530 men. The deaths among these from all causes, killed, wounded, or disease, was 1,018, almost one-third of the whole number, and among the heaviest brigade losses of the war. The Indian brigade in the Union Army engaged in 28 battles or affairs, besides many skirmishes.

In a report from the Quartermaster-General's Office called "The roll of honor," issued in 1884 under the title "The National Cemetery at Fort Gibson," the number of burials is given at 2,427, of which but 215 are marked as known and 2,212 unknown. Of the 215 marked as known about 150 are of Indian soldiers of the Indian Union regiments.

For an account of the Indian Union brigade in the year 1863 see "Memoirs of the Rebellion on the Border, 1863," by Wiley Britto late Sixth Kansas cavalry. Chicago: Cushing, Thomas & Co., publishers, 1882.

For a history of the Indian troops from the Five Civilized Tribes of Indian territory in the Union Army see a report made by S. S. Burdett, M. C., in the House of Representatives, June 8, 1872, entitled "Alleged frauds against certain Indian soldiers."

*The Journal of the U. S. Cavalry Association, for September, 1892, contains an article of interest in connection with the Indians of Indian territory, including the Five Civilized Tribes, during the War of the Rebellion; its title is, "The Great Indian Council: a Memoir of the District of the Indian Territory during the last year of the Civil War," Captain J. M. Scott, Assistant Adjutant-General, C. S. A.

*The official contemporaneous record of the Indian regiments or commands in the Union and Confederate Armies can be found in "The War of the Rebellion, a compilation of the Official Records of the Union and Confederate Armies," Washington, D. C.; 44 volumes, to date, and bringing their record down to December, 1864. In the statement of H. H. Hubbard herein the treaty with the Cherokees in 1866 can be found some data as to such service, and in the report of the subcommittee of the Senate Committee on Indian Affairs, also given herein.

An account of the condition of the five tribes in 1861 and 1862, and their sympathy with the Confederacy and service in its army can be found in two reports from the committee on foreign missions made to the general assembly of the Presbyterian Church in the Confederate States of America, one at Augusta, Georgia, December 4, 1861, and the other at Montgomery, Alabama, May 1, 1862.

*Inquiry at the War Department subsequent to that made October 30, 1891, given on page 110, in relation to Indian soldiers from Indian territory, in the War of the Rebellion, elicited the following:—

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,

WASHINGTON, February 16, 1894.

SIR:

In answer to your favor of the 14th instant, it gives me pleasure to submit a list of Indian organizations that served in the Confederate states army, viz.:

First Cherokee Cavalry Battalion, Major Benj. W. Meyer. First Cherokee Cavalry Battalion, Major J. M. Bryan. First Cherokee Mounted Rifles (also called Second. See Drew's Cherokee Mounted Rifles). First Cherokee Mounted Rifles, Colonel Stand Watie. First Chickasaw Cavalry Battalion, Lieutenant-Colonel Joseph D. Harris. First Chickasaw Cavalry Regiment, Colonel William L. Hunter. First Choctaw Cavalry Battalion (afterward First Choctaw War Regiment), Lieutenant-Colonel Franceway Battice. First Choctaw Battalion (afterward Third Choctaw Regiment), Lieutenant-Colonel Jackson McCurtain. First Choctaw and Chickasaw Mounted Rifles, Colonel Douglas H. Cooper. First Choctaw Cavalry War Regiment (in 1864 known as Second Choctaw Regiment), Colonel Simpson N. Folsom. First Choctaw Cavalry Regiment, Colonel Sampson Folsom. First Seminole Cavalry Battalion (afterward First Seminole Regiment), Lieutenant-Colonel John Jumper. First Creek Cavalry Battalion, Lieutenant-Colonel Chilly McIntosh. First Creek Regiment, Colonel Daniel N. McIntosh. Second Cherokee Mounted Rifles, Colonel William P. Adair. Second Creek Regiment, Colonel Chilly McIntosh. Third Choctaw Regiment (formerly First Choctaw Battalion), Colonel Jackson McCurtain. Cherokee Battalion, Major Moses C. Frye, Major Joseph A. Scales. Chickasaw Cavalry Battalion, Lieutenant-Colonel Martin Sheco. Drew's Cherokee Mounted Rifles (called First and Second) Colonel John Drew. Osage Battalion, Major Arm Broke.

Respectfully,

TO JAMES H. WARDLE, Esq.,
Acting Superintendent of Census.

H. C. CORBIN,
Assistant Adjutant-General.

RECORD AND PENSION OFFICE, WAR DEPARTMENT,

WASHINGTON CITY, March 6, 1894.

SIR:

Referring to your letter of the 17th ultimo, relative to the number of Indians from the Indian territory in the military service of the United States during the late war, I am directed by the Secretary of War to inform you that there were 3 regiments of these troops (home guards), numbering from organization to muster-out—

First Regiment.....	1,848	Third Regiment.....	1,489
Officers.....	64	Officers.....	52
Enlisted men.....	1,784	Enlisted men.....	1,437
Second Regiment.....	1,901	Aggregate.....	5,238
Officers.....	66	Officers.....	182
Enlisted men.....	1,835	Enlisted men.....	5,056

These Indian regiments were officered by both white men and Indians, probably two-thirds of them being of the former class, and for that reason the numbers of officers and enlisted men have been given separately.

From an official statement prepared by this department in 1872 it appears that the First regiment was composed principally of Creek Indians, the Second of Osages and Cherokees, and the Third of Creeks and Cherokees.

The number of Indians from the Indian territory, if any, enlisted in organizations bearing state designations can not be ascertained.

The foregoing figures are given in lieu of those contained in the statistical table published by this department under date July 15, 1885, and those given in a letter from this department of October 30, 1891.

Very respectfully,

TO THE ACTING SUPERINTENDENT OF THE CENSUS.

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

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